

APPENDIX C

AGENCY CORRESPONDENCE SUBSEQUENT TO SCOPING PROCESS

Agency	Date
Lake County Parks Robert J. Nickovich Chief Executive Officer and Secretary to the Board	March 10, 2003
Indiana Department of Natural Resources Thomas W. Post, Regional Ecologist	March 14, 2003
U.S. Department of the Interior Fish and Wildlife Service Elizabeth S. McCloskey (Acting for Scott E. Pruitt, Supervisor)	March 14, 2003
Department of the Army Detroit District, Corps of Engineers Gary R. Mannesto, Chief	March 25, 2003
U.S. Environmental Protection Agency Environmental Planning and Evaluation Branch Kenneth A. Westlake, Chief	March 26, 2003
State of Indiana, Military Department Indiana Army National Guard, The Adjutant General George A. Buskirk, Jr., Major General	April 3, 2003
Indiana Department of Natural Resources Jon C. Smith Deputy State Historic Preservation Officer	April 8, 2003
U.S. Department of Agriculture Natural Resources Conservation Service Jane E. Hardisty, State Conservationist	August 19, 2003
Indiana Department of Natural Resources Christie L. Kiefer, Environmental Coordinator	October 9, 2003
U.S. Department of the Interior Fish and Wildlife Service Elizabeth S. McCloskey (Acting for Scott E. Pruitt, Supervisor)	October 29, 2003

Ball State University
Department of Anthropology
Archaeological Resources Management Service
Christina Whalen, Office Administrator

November 19, 2003

Indiana Department of Natural Resources
Jon C. Smith
Deputy State Historic Preservation Officer

February 13, 2004



8411 E. Lincoln Hwy. • Crown Point, IN 46307

219.945.0543 • Fax: 219.945.0452

March 10, 2003

Buckley Homestead
219-696-0769

Deep River
219-947-1958

Deep River Waterpark
219-947-7850

Erie Lackawanna Trail
219-945-0543

Gibson Woods
219 844-3188

Grand Kankakee Marsh
219-552-0033

Lake Etta
219-944-9601

Lemon Lake
219-663-7627

Oak Ridge Prairie
219-884-7238

Stoney Run
219-996-6500

Three Rivers
219-962-7810

Turkey Creek C.C.
219-980-8101

Pro Shop - 219-980-5170
Banquets - 219-887-5550

Whitalla Beach
219-659-4015

Programs - 219-769-PARK
Reservations - 219-945-0543

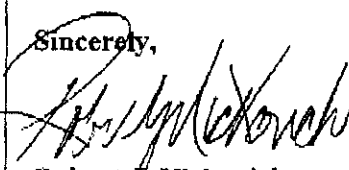
Prescott Snyder
Airports Environmental Program Manager
FAA Chicago Airports District Office
2300 East Devon Avenue
Des Plaines, IL 60018

Dear Mr. Snyder,

Lake County Parks has reviewed the Environmental Impact Statement (EIS) for the Gary/Chicago Airport. Our organization owns and manages two properties within a mile of the airport footprint. Gibson Woods Nature Preserve and the Tolleston Ridges Nature Preserve are protected by the State of Indiana as dedicated nature preserves that shelter unique dune and swale ecosystems. Several other sensitive sites managed by other entities lie even closer to the expanded airport footprint and they include: the Grand Cal Tern Site, Dupont Property, Ivanhoe Natural Resource Area, and the Seidner Dune and Swale Nature Preserve. These irreplaceable open space areas need special consideration as the volume of traffic and flights increase from the Gary/Chicago Airport.

The Lake County Parks and Recreation Department supports efforts to expand the Gary/Chicago Airport while affording protection to these sensitive sites. We would like to see new economic opportunities along with Brownfield Redevelopment that would compliment current and future open space opportunities along Lake Michigan.

Sincerely,


Robert J. Nickovich
Chief Executive Officer and
Secretary to the Board

mmn

Established: June 1, 1968

"A Natural Place For Fun"

MAR-14-2003 FRI 10:10 AM JASPER PULASKI

FAX NO. 12198435132

P. 02



Indiana Department of Natural Resources

Frank O'Bannon, Governor
John Goss, Director

14 March 2003

Mr. Prescott Snyder
Airports Environmental Program Manager
FAA Chicago Airports District Office
2300 East Devon Avenue
Des Plaines, IL 60018

Dear Mr. Snyder:

The Indiana Department of Natural Resources (DNR) has reviewed the proposed railroad relocation at the Gary/Chicago Airport and has the following comments. The current alternative preferred by the DNR is shown schematically on an aerial photograph labeled Alt. 1. This alternative takes the EJE tracks westward and then parallel to the existing Cline Avenue road. There would be some negative impacts on existing wetlands and natural resource features where the proposed line would rejoin the existing EJ and E mainline.

Alternative 2 presents a number of concerns including the possible closing of Clark Road and the re-routing of vehicle traffic, possible impacts to Clark and Pine Nature Preserve due to roadbed improvements and possible impacts to the federally listed Karner Blue Butterfly in the vicinity of Ivanhoe Nature Preserve.

We also have concerns with alternative 3 as it proposes an active track immediately adjacent to Clark and Pine Nature from the Grand Calumet River to the EJ and E City Track. Concerns include impacts to the preserve due to roadbed improvement as well as the potential for derailment into the preserve itself.

Alternative 5 proposes a tunnel arrangement that would pose severe hydrological impacts to the ground water table in the vicinity of the airport. These impacts would then carry over into the existing wetlands and could lower the surface water so that the wetlands are effectively dried out.

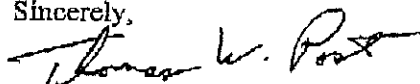
Thank you for the opportunity to comment on these alternatives. Please keep us advised and informed of the EIS process for improvements at the Gary/Chicago airport.

MAR-14-2003 FRI 10:11 AM JASPER PULASKI

FAX NO. 12198435132

P. 03

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas W. Post". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Thomas W. Post
Regional Ecologist

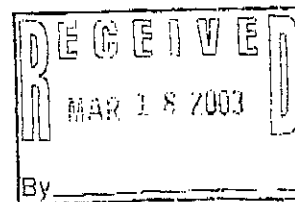
Cc: John Bacone



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE
BLOOMINGTON FIELD OFFICE (ES)
620 South Walker Street
Bloomington, Indiana 47403-2121
(812) 334-4261 FAX 334-4273



March 14, 2003

Mr. Prescott C. Snyder
Airports Environmental Program Manager
Federal Aviation Administration
Chicago Airports District Office
2300 East Devon Avenue, Suite 312
Des Plaines, Illinois 60018

Subject: Gary/Chicago Airport Environmental Impact Statement Scoping Meeting
Location: Gary, Lake County, Indiana

Dear Mr. Snyder:

The U.S. Fish and Wildlife Service (FWS) has reviewed the materials provided by Aerofinity by letter of February 13, 2003, at the Agency Scoping Meeting on February 24, 2003, and at the Public Open House on March 4, 2003, and has the following comments.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

Two Briefing Papers, an Introduction and a Purpose and Need Statement, were provided for review and discussion at the February 24, 2003 meeting. These documents basically state that the existing main runway, 12-30, needs to be lengthened to 8,900 to accommodate existing aircraft use in a safe manner at the airport even without a scheduled passenger carrier or additional cargo or charter operators. We believe these documents adequately explain the need for the project as proposed and have no comments to offer.

Our major concern at this time is the proposed relocation of the EJ&E Railroad ("J"). We obtained schematics of 4 possible relocation alternatives at the March 4, 2003 Open House. It was explained at the February 24th meeting that Alternates 1 and 2 are currently considered viable because they are acceptable to the "J", while the Four City Consortium, which is working on railroad relocations throughout the Gary/Hammond/East Chicago/Whiting area, favors Alternate 3. Alternate 5, a tunnel system, is not considered viable but was provided for discussion.

2.

We understand that since the February 24th meeting, the Four City Consortium has indicated it could support either Alternates 1 or 2 if the current at-grade railroad intersection at Ivanhoe Junction, south of 5th Avenue, is converted to an overpass affecting that crossing and the crossing of 5th Avenue.

Based upon information currently available to us, the U.S. Fish and Wildlife Service prefers the construction of Alternative 1, which would relocate the "J" to the west, north of the Grand Calumet River, to parallel the east side of Cline Avenue, then curve east to parallel the existing CSX Railroad tracks north of SR 312 before rejoining the existing elevated "J" tracks near Clarke Junction. This alternative would create 2 at-grade roadway crossings, a new one at SR 312 and one adjacent to the CSX crossing of Industrial Highway.

There may be significant surface and ground water contaminants issues and wetlands issues associated with relocating the "J" as proposed in Alternative 1. However, these same issues exist for lengthening Runway 12-30 and long-term plans for developing an air cargo area south of that runway and a new passenger terminal north of that runway, so they will have to be addressed regardless of the railroad.

Alternate 1 would create 2 at grade roadway crossings of well-used highways. However, Industrial Highway is already crossed by the CSX tracks, which are very heavily used in comparison with the number of "J" trains that would travel this route (indicated to be 8 to 12 trains per day, with two-thirds of the traffic at night). The "J" should therefore add little in the way of congestion. Also, it is proposed to relocate this CSX traffic to the old Michigan Central right-of way to the south, thus eliminating most train/vehicle problems that could affect access to the airport.

We favor Alternate 1 because it avoids sensitive ecosystems that could be adversely affected by Alternates 2, 3, and 5. However, it might affect some dune and swale habitat in the Clarke Junction area where the new track would reconnect with the existing elevated "J" track. The aerial photograph which depicts the route of Alternate 1 shows a remnant dune and swale area bordered by the elevated "J", the CSX main line, and the Norfolk Southern Sugar Track. FWS staff have not been to that site for a number of years, so we do not personally know whether or not dunes and wetlands are extant. This will need to be determined as the EIS process advances.

Alternate 2 would parallel the existing Chicago South Shore and South Bend (CSSSB) Railroad tracks south of the Indiana Toll Road east to Clark Road, then turn north and cross the Grand Calumet River, parallel Clark Road past the CSX Fort Wayne Line and NS Sugar Track, and join an existing but unused track that connects with the elevated "J" main line near Clarke Junction. This alternative would eliminate some native sand prairie between the CSSSB and the Toll Road, prairie that is adjacent to the Ivanhoe Dune and Swale Nature Preserve owned by The Nature Conservancy. Ivanhoe Preserve supports the Federally endangered Karner blue butterfly (Lycaeides melissa samuelis). The Draft Recovery Plan for the Karner blue (USFWS 2001. Karner blue butterfly [Lycaeides melissa samuelis] Technical/Draft Recovery Plan. Fort

3.

Snelling, MN 221pp.) proposes connecting butterfly habitats in the western Gary/eastern Hammond area along railroad corridors such as the CSSSB and the "J"; therefore, we are concerned that Alternate 2 could preclude this future recovery proposal.

In addition, Alternate 2 would place the active "J" line on a currently unused, elevated single track that borders the southwest side of Clarke and Pine State Nature Preserve, owned and managed by the Indiana Division of Nature Preserves. This 40 acre Preserve supports more State Special Concern, Rare, Threatened, and Endangered plant and animal species than any comparable site within the State of Indiana. No Federally-listed species are currently known from Clarke and Pine, but several Species of Concern which are being evaluated for possible listing as threatened or endangered are known to be present. Although Clarke and Pine has co-existed with railroads for many years, the 2 "J" tracks that border the Preserve receive little traffic at this time. Moving the mainline track to the border of the Preserve could result in significant adverse effects to the water quality and unique habitats of the site during reconstruction of the currently deteriorated track and during operation if an accident were to occur.

Alternate 2 would require a new railroad bridge over the Grand Calumet River just upstream of the Industrial Highway bridge. The sediments in this river are severely degraded with a multitude of chemicals, including hydrocarbons, metals, and ammonia. Although dredging of the sediments from 5 miles of the river upstream from the NS Railroad bridge, about 0.5 mile upstream from the proposed new bridge crossing, has commenced, it is unknown when cleanup of the river in the vicinity of Industrial Highway will occur. Therefore, any new railroad bridge over the Grand Calumet River at this site will need to address construction impacts on the sediments and related impacts on fish and wildlife resources due to disturbance of the sediments.

Alternate 3 would relocate the "J" to a new track paralleling the old Michigan Central tracks (Porter Branch and Dune Park Branch) to avoid the current at-grade crossing at Ivanhoe Junction. It would turn north on new track along the east side of Brunswick Savanna and have at-grade crossings with 5th Avenue/US 20, US 12, and a local city street before connecting with the NS Sugar Track and turning northwest to cross the Grand Calumet River on an existing bridge. It would then join the same unused "J" track that borders the southwest side of Clarke and Pine Nature Preserve.

This alternative would have the same adverse impacts on Clarke and Pine as Alternate 2. In addition, it would border the southwest side of Clarke and Pine East, about 250 acres of rare dune and swale purchased as mitigation for adverse environmental impacts on natural resources in western Gary and owned by the State of Indiana. Although the track is not elevated here as it is along Clarke and Pine, the same type of adverse impacts to water quality and the rare ecosystem could occur if the "J" mainline is moved to this track.

Brunswick Savanna, also containing rare dune and swale habitat, it partially owned by the City of Gary and partially privately owned. However, there is a proposal between the City and The Nature Conservancy to purchase the private property and enhance the site as a natural area/passive recreation

area utilizing Federal Department of Transportation ISTEA enhancement funds (Enclosure No. 1). Alternate 3 would adversely impact this proposal by crossing the savanna with a railroad track and taking the proposed parking lot site.

Since it is possible to bridge both Ivanhoe Junction and 5th Avenue along the existing route of the "J", we recommend that Alternate 3 be eliminated from further consideration. However, a bridge structure must take into account the presence of the rare dune and swale habitat at Ivanhoe Dune and Swale Nature Preserve north of 5th Avenue and the as-yet largely unprotected like habitat south of 5th Avenue (locally known as Ivanhoe South Natural Area). The FWS is actively seeking preservation of this area as mitigation for natural resource damages in the Gary/Hammond area. An elevated track along the west side of these natural areas could adversely affect the rare habitats during construction and operation.

Alternate 5 involves a tunnel system to move the elevated "J" at the end of Runway 12-30 underground, so that the runway could be expanded over it. The remainder of the "J" alignment would continue to be utilized. This proposal involves significant environmental and logistical problems due to the high water table in the area, the presence of valuable wetlands which would be adversely affected by changes in hydrology during construction and operation, and the presence of contaminants on the surface and in the ground water. We therefore request that this alternative be removed from further consideration.

Comments on Federally endangered species and Species of Concern remain as stated in our letter of January 29, 2002 addressing the Federal Register Notice of Intent to Prepare an Environmental Impact Statement and to Conduct Environmental Scoping for Improvements to the Gary/Chicago Airport in Gary, Indiana.

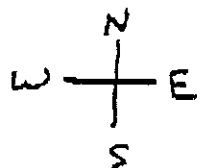
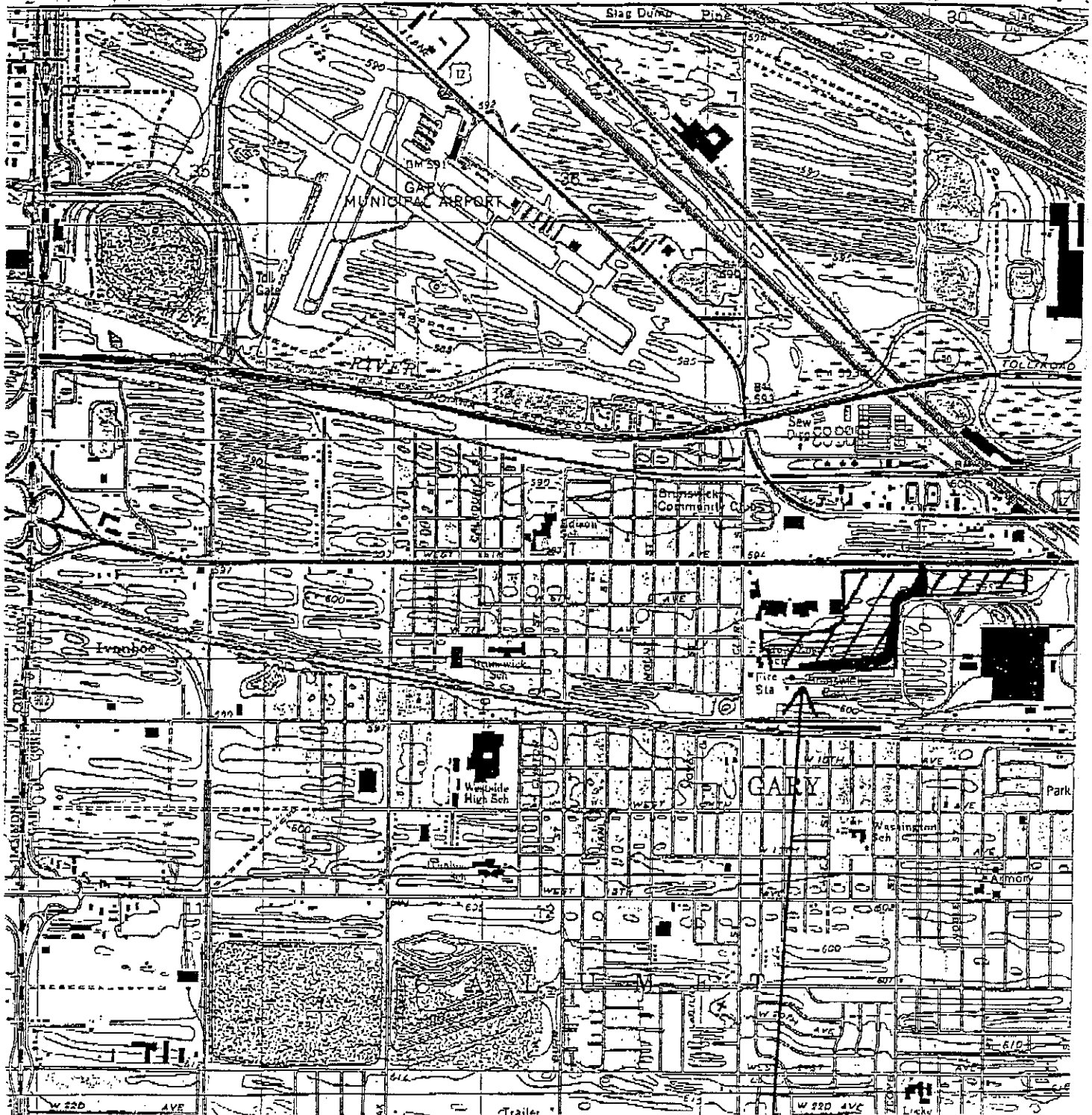
We appreciate the opportunity to provide input during this environmental scoping process. For further discussion please call Elizabeth McCloskey at (219) 983-9753.

Sincerely yours,

Elizabeth S. McCloskey
for Scott E. Pruitt
Supervisor

cc: Director, Indiana Division of Nature Preserves, Indianapolis, IN
Tom Post, Indiana Division of Nature Preserves, Medaryville, IN
Bill Maudlin and Christie Kiefer, Indiana Division of Water,
Indianapolis, IN
Jim Smith, IDEM, Office of Land Quality, Indianapolis, IN
Marty Maupin, IDEM, Office of Water Management, Indianapolis, IN
INDOT, Division of Aeronautics, Indianapolis, IN
Sally Swanson, USEPA, HRM-7J, Chicago, IL
Virginia Laszewski, USEPA, R-19J, Chicago, IL
Charlie Simon, USCOE, Detroit, MI
The Nature Conservancy, Indiana Chapter, Indianapolis, IN

7. PROJECT LOCATION - Attach a copy of an appropriate location map which clearly indicates the project's location within the city/county. One additional map may be attached showing a detailed site plan or other type of detail for single sites.



Brunswick Savannah

ENCLOSURE NO. 1.

TNC/Gary proposal to purchase remain
natural lands at Brunswick Savannah for
preservation/passive recreation using
Federal ISTEA enhancement funds



DEPARTMENT OF THE ARMY

DETROIT DISTRICT, CORPS OF ENGINEERS

BOX 1027

DETROIT, MICHIGAN 48231-1027

March 25, 2003

IN REPLY REFER TO

Engineering & Technical Services
Regulatory Office
File No. 93-145-126-4

Prescott C. Snyder
Airports Environmental Programs Manager
Federal Aviation Administration
Chicago Airports District Office
2300 East Devon Avenue, Room 332
Des Plaines, Illinois 60018-4686

Dear Mr. Snyder:

We are writing in response to your letter dated February 27, 2003, concerning preparation of the Environmental Impact Statement (EIS) for proposed actions at Gary/Chicago Airport in Gary, Indiana. The proposed work under consideration includes: 1) improvements to existing Runway 12/30, 2) extension of Runway 12/30, 3) expansion of the existing terminal, and 4) site evaluation for a new passenger terminal and air cargo facility. We received a February 13, 2003 letter from Susan Schalk of Aerofinity regarding this matter, and representatives from our staff also participated in a meeting at the airport on February 24, 2003. Two briefing papers, an Introduction and a Purpose and Need Statement, were furnished for review and discussion. We have considered this information and offer the following comments for your consideration in preparation of an EIS.

The focus of the written material and the recent meeting, is the statement of purpose and need. The purpose and need statement is the primary foundation for identification of reasonable alternatives and evaluation of impacts. Accordingly, the purpose can not be so narrowly drawn as to restrict the range of alternatives. Based on our review, the purpose and need has not been adequately addressed. The purposes are too narrowly defined, and the need statement relies greatly on the Master Plan for the airport. The aviation travel industry has changed considerably in the past several years, therefore, it is prudent to revisit the assumptions in the Master Plan and update the forecast need for the airport accordingly.

There are four statements of purpose and need in Part 2.3. (The summary in Part 2.5 merges the first two into one statement.) The purpose statements do not fully and fairly identify the intended measurable level of improvement which must result from alternative solutions. As written, the purpose statements unfairly combine projects which have independent goals. For example, the first two statements in Part 2.3 (and the first statement in Part 2.5) combine a

- 2 -

project to address safety standards on the existing runway; with a second proposal to lengthen the runway for added load capacity and flight distance. In addition, the purpose statements mistakenly provide solutions. The selection of an alternative within the purpose gives the appearance of a pre-determined decision and unfairly restricts the range of alternatives. The purpose should be an impartial statement of the intended function, and the need statement should provide the justification to support that function.

The Corps' position is that there are four separate projects, which merit four different statements of purpose. We offer the following purpose statements for your consideration:

- Comply with current safety standards on existing Runway 12/30.
- Provide takeoff/landing capabilities for cost-effective travel by Category C-III aircraft within a 1,500 mile range from the greater Chicago region.
- Provide a passenger terminal to meet projected capacity needs in the greater Chicago region through 2020.
- Select site(s) for a future passenger terminal and/or a future cargo facility to serve the greater Chicago region to meet potential regional aviation capacity needs beyond 2020.

The last of the proposed activities differs considerably from the others. This proposed action does not involve specific proposed facilities or infrastructure, rather the acquisition of property to meet projected demand. This requested Federal action does not include approval of any facilities. As indicated in our previous letter of March 29, 2002, this proposal is essentially a real estate transaction, which is not a complete project for the purposes of NEPA. This action may be appropriate for a Tiered EIS approach. Tiering refers to coverage of general matters in broader EISs, with subsequent environmental documents of narrowing scope, concentrating on more specific proposals. We request that this latter action be addressed separately in environmental documentation appropriate to its circumstance.

As noted above, support for the proposed projects draws heavily on the 2001 Master Plan for the airport. Given the changes in the travel industry, this information is not entirely convincing. The need statements for runway lengthening and terminal/cargo facility siting are not as well justified as other portions. The figures cited in the Master Plan merit reexamination to include recent data and reflect current aviation trends. In a minor point, we also note that several times in the Part 2.3.2.2 discussion of existing aircraft use, a range is reported when describing an average.


In relying on the Master Plan, the need statement identifies an alternative to solve each of the reported issues. This gives the appearance of pre-approval. Rather than justify a particular alternative, the need statement should substantiate the need for a particular level of improvement as stated in the purpose. In providing a selected alternative upfront, it undermines an objective NEPA process to select the least damaging alternative which would fulfill the project purpose.

In summary, the Corps concludes that revised purpose statements should be developed, and the discussions of need supported while avoiding summary judgment. We appreciate the

- 3 -

opportunity to provide input on the proposal at this early stage, and hope that these comments will advance a full and impartial NEPA review. If you have questions, please contact Charles M. Simon at (313) 226-2221.

Sincerely,


Gary R. Mannest
Chief, Regulatory Office
Engineering & Technical Services

Copy Furnished

Gary/Chicago Airport, Paul Karas
USFWS, Bloomington
USEPA, Cathy Garra
South Bend Field Office

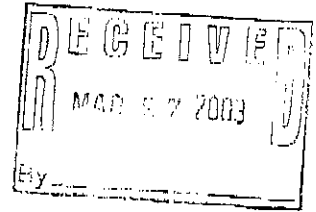


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 26 2003



REPLY TO THE ATTENTION OF:

B-19J

Prescott Snyder
Airports Environmental Programs Manager
FAA Chicago Airports District Office
2300 East Devon Avenue
Des Plaines, IL 60018

Re: Gary/Chicago Airport Environmental Impact Statement (EIS) - *Briefing Paper #1: Introduction and Briefing Paper #2: Purpose and Need* (dated February 13, 2003).

Dear Mr. Snyder:

The U.S. Environmental Protection Agency, Region 5 (U.S. EPA) reviewed the above referenced briefing papers developed to identify and support a purpose and need for proposed improvements at the Gary/Chicago Airport. We understand that this purpose and need information will be included in the forthcoming Environmental Impact Statement (EIS) currently being developed for the proposed Gary/Chicago Airport improvement project. In general, we find the information contained in the briefing papers adequately identifies and substantiates the purpose and need for the current proposal. We offer the following comments on the Purpose and Need documentation for this proposal.

Proposed Project

The major components of the proposed project identified in the two briefing papers include:

- Railroad relocation and improved runway safety areas
- An extension of the existing air carrier Runway 12-30 and parallel taxiway
- Expansion of the existing terminal site
- Site analysis for acquiring and land banking property for potential future airport development (long-term passenger terminal, long-term air cargo facility)

Project Need

The underlying needs (i.e., underlying problems that need to be solved) identified in the two briefing papers are:

- The existing Runway 12-30 does not meet the FAA's recent national mandate for runway

safety areas to comply with the standards outlined in FAA Advisory circular 150/5300-13.

- The current and potential future users (e.g., air carrier and additional cargo operators) can not operate efficiently and safely with the appropriate load factors and to the destinations desired given the current length (i.e., 7,000 feet) of Runway 12-30.
- The 2001 Airport Master Plan Update recommends expanding the terminal building as needed to meet the demands of projected airline users, as well as the traveling public.
- The 2001 Airport Master Plan Update identifies the need for new passenger terminal and air cargo facilities in the foreseeable future. In order to preserve identified sites for these facilities, the acquisition of these sites and mitigation as necessary for use would be needed.

Project Purpose

The purpose/s identified in the two briefing papers are:

- The purpose of extending and improving Runway 12-30, and acquiring the properties to the northwest and southeast, is to remedy existing dimensional constraints in order to provide adequate clearance from potential hazards that could impact the movement of aircraft at the Gary/Chicago Airport.
- The purpose of expanding the existing terminal is to provide a facility commensurate with the forecast level of passenger enplanements.
- The need for acquiring additional northwest properties is to secure sites to accommodate the potential for long-term development at the Gary/Chicago Airport, when the demand develops in the future.

Documentation: 2001 Airport Master Plan Update

We note that the 2001 Airport Master Plan Update (submission date: November 2001) is referred to repeatedly throughout the briefing papers. On March 21, 2003, Aerofinity honored our request and lent us a copy of the 2001 Airport Master Plan Update to aid us in our review.

- We recommend that the 2001 Airport Master Plan Update be included as an appendix in the forthcoming EIS.

We note that the current proposal is based on the low or base case forecasts identified in the 2001 Airport Master Plan Update.

- We note that the Airport Layout Plan (ALP) (sheet 3 of 14) contained in Appendix E of the 2001 Airport Master Plan Update is the base case concept and does not include an additional runway or an extension of the crosswind Runway 02-20. There are no mid case or high case ALPs in the 2001 Airport Master Plan Update.

We note that the low, mid and high forecasts in the 2001 Airport Master Plan Update appear to have been made prior to the September 11, 2001 terrorist attacks, the current decline in the economy, and current decline in air travel.

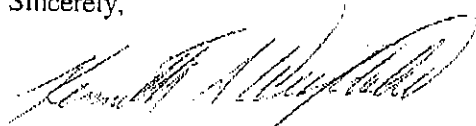
- We recommend that the EIS purpose and need documentation for the current proposal address the current relevancy of the low, mid and high range forecasts.

Conclusion

Based on the information in the briefing papers and a cursory review of the 2001 Airport Master Plan Update, we find, for the most part, the briefing papers in conjunction with the 2001 Airport Master Plan Update adequately identify and document the purpose and need for the current proposal. However, if substantial new information comes to light, we reserve the option to re-open purpose and need discussions for the current proposal.

We appreciate the opportunity to review the Purpose and Need briefing papers. We look forward to reviewing the upcoming alternatives information. We are available to discuss the proposal and our comments with you in further detail. If you have any questions, please contact Virginia Laszewski of my staff at (312) 886-7501 or e-mail her at: laszewski.virginia@epa.gov.

Sincerely,



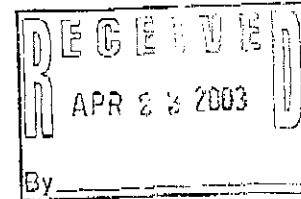
Kenneth A. Westlake, Chief
Environmental Planning and Evaluation Branch
Office of Strategic Environmental Analysis

cc: USF&WS
Corps
IDEM
IDNR

**STATE OF INDIANA
MILITARY DEPARTMENT**

OFFICE OF THE ADJUTANT GENERAL
2002 SOUTH HOLT ROAD
INDIANAPOLIS, INDIANA 46241-1839

April 3, 2003



Environmental Office

Mr. Prescott Snyder, Environmental Protection Specialist
Federal Aviation Administration
Chicago Airports District Office, CHI-ADO-600
2300 E. Devon Avenue
Des Plaines, Illinois 60018

Dear Mr. Snyder:

AMEC Earth & Environmental, Inc. (AMEC) has been contracted by the Indiana Army National Guard (INARNG) to prepare an Environmental Assessment (EA) for the Proposed Improvements and Unit Stationing at the Gary-Chicago Regional Airport (GCRA), City of Gary, Lake County, Indiana (See Enclosure 1). The EA is being prepared in strict accordance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 USC 4321 et seq.); the Council on Environmental Quality (CEQ) Regulations (40 CFR 1500-1508); and Army Regulation (AR) 200-2.

The INARNG proposes to construct improvements and station units at the Gary-Chicago Regional Airport (GCRA) in Gary, Indiana. These improvements will help provide increased Homeland Security Protection and Rapid Emergency Response capabilities to the Greater Chicago Metropolitan Area and the Gary/Chicago Industrial Complex by the Indiana Army National Guard (INARNG), as part of the INARNG's overall National Guard Homeland Defense Mission.

The INARNG's preferred project alternative consist of:

- a. Acquiring, via lease agreement, approximately 40 acres from the GCRA Airport Authority.
- b. Assigning Detachment 1, 1256th Medical (Air Ambulance) (MEDEVAC) (42 personnel), including 5 UH-60 (Blackhawk) helicopters, to the GCRA.
- c. Assigning the 53rd Civil Support Detachment (approximately 22 personnel) to the GCRA.
- d. Assigning the 738th Area Support Medical Company (approximately 79 personnel) to the GCRA.
- e. Assigning the 207th Weather Flight Unit (approximately 18 personnel) to the GCRA.

-2-

f. Constructing a taxiway, aircraft parking ramp, aircraft maintenance facility, Reserve Forces Readiness Center, and other necessary facilities to support the above assignments on the GCRA.

The GCRA currently provides the only viable site for this stationing and associated support facilities. The GCRA is the only airport in northwest Indiana that provides quick access to the Gary/Chicago area via the Interstate highway system and has the real estate and runway capabilities to accommodate the INARNG's operations, helicopters, and fixed-wing aircraft (C-12 Beechcraft and C-23 Sherpas), currently stationed at Indianapolis International Airport, that may be required to land to support emergency response operations.

As the first phase of the EA preparation, the INARNG is identifying environmental resources, issues, and constraints associated with the proposed project area in order to effectively assess the potential environmental impacts associated with this proposal. Therefore, the INARNG is requesting baseline information on any concern that your agency may have related to the potential environmental issues at, or in the vicinity of, the proposed project location. Information your agency can provide on any of the following environmental issue areas (at or in the vicinity of the site) would be appreciated.

a. Surface and groundwater resources, including streams, wetlands, flood plains, open water features, and local aquifers.

b. Soils data, including list of hydric soils and Prime and Unique Farmland Soils.

c. Federally or Indiana State listed threatened or endangered species, or any species proposed for such listing, or critical habitat for such species.

d. Parks, nature preserves, conservation areas, designated wild or scenic rivers, migratory bird habitats, special wildlife issues, and other natural resource issues or concern.

e. Known cultural resource (historic or prehistoric) issues or sites.

f. Any additional environmental, cultural, or socioeconomic information or concern your agency may have with regard to the referenced site (Enclosure 1).

A list of recipients of this letter request is provided as Enclosure 2. If you are aware of any other individuals or resource agencies who may possess additional information or knowledge that may assist us in preparing the EA, please either contact us or forward this letter for their review, and include any returned comments with your response.

-- 3 --

We look forward to your participation in this NEPA process. Your response on or before April 30, 2003 will enable us to complete this phase of the project within the scheduled time frame. If you have any questions concerning this request, please do not hesitate to contact our contractor representative, Mr. Brian Sariano at (610) 828-8100. If preferable, you may fax your response to (610) 828-6700 or send comments to:

AMEC Earth and Environmental, Inc.
ATTN: Mr. Brian Sariano, Project Manager
One Plymouth Meeting, Suite 850
Plymouth Meeting, Pennsylvania 19462-1308

Sincerely,



George A. Buskirk, Jr.
Major General, Indiana
Army National Guard
The Adjutant General

Enclosures

IICEP Contact List

- **State and Local Political Offices**

Honorable Scott L. King
Mayor of the City of Gary
401 Broadway
Gary, IN 46402

Honorable Frank O'Bannon
Governor of Indiana
Office of the Governor
State House, Room 206
Indianapolis, IN 46204-2797

Mr. Rudolph Clay, 1st District County Commissioner
Lake County
County Governor Center, 3rd Floor, Building "A"
2293 North Main Street
Crown Point, IN 46307

Mr. Gerry Scheub, 2nd District County Commissioner
Lake County
County Governor Center, 3rd Floor, Building "A"
2293 North Main Street
Crown Point, IN 46307

Ms. Frances DuPey, 3rd District County Commissioner
Lake County
County Governor Center, 3rd Floor, Building "A"
2293 North Main Street
Crown Point, IN 46307

- **General Environmental Agencies**

Mr. Thomas V. Skinner, Regional Administrator
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, IL 60604

Ms. Lori F. Kaplan, Commissioner
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, IN 46206-6015

Ms. Adriane Blaesing, Regional Director
Indiana Department of Environmental Management
Northwest Regional Office
504 North Broadway, Suite 418
Gary, IN 46402

- **Natural Resources Agencies**

Mr. Bill Hartwig, Regional Director
U.S. Fish and Wildlife Service, Region 3
BHW Federal Building
1 Federal Drive
Fort Snelling, MN 55111

Mr. Scott Pruitt, Field Supervisor
U.S. Fish and Wildlife Service, Region 3
Bloomington Ecological Services Field Office
620 South Walker Street
Bloomington, IN 47403-2121

Mr. John Goss, DNR Director
Indiana Department of Natural Resources
402 W. Washington Street
Indianapolis, IN 46204-2739

Mr. Michael Kiley, Board Chair
Indiana Natural Resources Commission
402 W. Washington Street, Room W272
Indianapolis, IN 46204-2739

- **Cultural Resources Agencies**

Mr. Jon C. Smith, Division Director
Indiana Department of Natural Resources
Division of Historic Preservation and Archaeology
State Historic Preservation Officer
402 W. Washington Street, Room W274
Indianapolis, IN 46204-2739

Attn: Indiana Library and Historical Board
Indiana Historical Bureau
140 North Senate Avenue
Indianapolis, IN 46204-2296

Mr. Salvatore G. Cilella Jr., Executive Director
Indiana Historical Society
450 West Ohio Street
Indianapolis, IN 46202-3269

Mr. Bruce L. Woods, President
Lake County Historical Society and Museum
5131 Canterbury Avenue
Portage, IN 46368

Ms. Roma Ivey, President
Gary Historical and Cultural Society
2409 W. Fifth Avenue
Gary, IN 46404

• Soils/Geology Resource Agencies

Mr. Tom Casadevall, Regional Director
U.S. Geological Survey, Central Region
Box 25046, Denver Federal Center
Denver, CO 80225

Mr. James A. Stewart, Director
U.S. Geological Survey, Indiana Office
5957 Lakeside Boulevard
Indianapolis, IN 46276-1996

Ms. Jane Hardisty, State Conservationist
U.S. Department of Agriculture
Natural Resources Conservation Service
Indiana State Office
6013 Lakeside Boulevard
Indianapolis, IN 46278-2933

Mr. Ames Todd, Soil Conservationist
U.S. Department of Agriculture
Natural Resources Conservation Service
Lake County Field Office
928 S. Court Street, Suite C
Crown Point, IN 46307

• Aviation Agencies

Ms. Cecella Hunziker, Regional Administrator
Federal Aviation Administration
Great Lakes Region
2300 E. Devon Avenue
Des Plaines, IL 60018

Mr. Philip Smithmeyer, ADO Manager
Federal Aviation Administration
Chicago Airports District Office, CHI-ADO-600
2300 E. Devon Avenue
Des Plaines, IL 60018

Mr. Greg Sweeny, Program Manager
Federal Aviation Administration
Chicago Airports District Office, CHI-ADO-600
2300 E. Devon Avenue
Des Plaines, IL 60018

Mr. Prescott Snyder, Environmental Protection Specialist
Federal Aviation Administration
Chicago Airports District Office, CHI-ADO-600
2300 E. Devon Avenue
Des Plaines, IL 60018

Ms. Maria Muia, Aeronautics Section Manager
Indiana Department of Transportation
Aeronautics Section
100 North Senate Avenue, Room N901
Indianapolis, IN 46204

▪ Parklands, Open Lands, Natural Areas Agencies

Regional Director
National Park Service
Midwest Region
1709 Jackson Street
Omaha, NE 68102

Mr. Randy Moore, Regional Director
United States Department of Agriculture
Forest Service- Eastern Region
310 W. Wisconsin Avenue, Suite 500
Milwaukee, WI 53203

The Nature Conservancy
Indiana Field Office
1505 N. Delaware Street, Suite 200
Indianapolis, IN 46202

▪ Federally-recognized Tribal Governments

Mr. John Miller
Pokagon Band of Potawatomie Indians
901 Spruce St.
Dowagiac, MI 49047

Mr. John A. Barrett, Jr.
Citizen Potawatomie Nation
1901 S. Gordon Cooper Dr.
Shawnee, OK 74801

Mr. Lawrence Frank Snake
Delaware Tribe of Western Oklahoma
Delaware Executive Committee
P.O. Box 825
Anadarko, OK 73005

Mr. Phil Shopodock
Forest County Potawatomie
Executive Council
P.O. Box 340
Crandon, WI 54520

Mr. Kenneth Meshiguad
Hannahville Indian Community Council
N14911 Hannahville B 1 Road
Wilson, MI 49898-9728

Mr. Steve Claude, Sr.
Kickapoo Tribe in Kansas
Kickapoo of Kansas Tribal Council
P.O. Box 271
Horton, KS 66439

Mr. Kendall Scott
Kickapoo Tribe of Oklahoma
Kickapoo of Oklahoma Business Council
P.O. Box 70
McCloud, OK 74851

Mr. Floyd E. Leonard
Miami Tribe of Oklahoma
P.O. Box 1326
Miami, OK 74355

Mr. Charles Dawes
Ottawa Tribe of Oklahoma
P.O. Box 110
Miami, OK 74355

Mr. Ronald Froman
Peoria Indian Tribe of Oklahoma
P.O. Box 1527
Miami, OK 74355

Ms. Mamie Rupnicki
Prairie Band Potawatomie Nation
16281 Q Road
Mayetta, KS 66509

Mr. Leaford Bearskin
Wyandotte Tribe of Oklahoma
P.O. Box 250
Wyandotte, OK 74370

The following two tribes are resident in Indiana and have petitioned the Secretary of the Interior for Federal Recognition. While neither is recognized at this time (information on recognition status is from the Bureau of Indian Affairs, Branch of Acknowledgment and Research, http://www.doi.gov/bia/ack_res.html/), as a courtesy they will be contacted concerning their potential interest in this proposal.

Miami Nation of Indians of the State of Indiana, Inc.
c/o Mr. Raymond O. White, Jr.
P.O. Box 41
Peru, IN 46970

Upper Kispoko Band of the Shawnee Nation
c/o Mr. Augustus J. Rosemont
617 S. Washington Street
Kokomo, IN 46901



Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.state.in.us

Frank O'Bannon, Governor
John Goss, Director



April 8, 2003

Susan M. Schalk, AAE, AICP
President
Aerofinity
51 South New Jersey Street
Indianapolis, Indiana 46204

Federal Agency: Federal Aviation Administration

Re: General information concerning improvement to the Gary/Chicago Airport including railroad relocation, improved runway safety areas, extension of Runway 12-30, expansion of the terminal site, and analysis of sites for new passenger terminal and air cargo areas (DNR #9377)

Dear Ms. Schalk:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated February 13, 2003, and received by the Indiana SHPO on February 18, 2003, for the above indicated project in Gary, Lake County, Indiana.

Based upon the documentation available at the Indiana SHPO, we have not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

In terms of potential impact on archaeological resources, a review of our records indicates that the proposed project area is in an environmental setting that is suitable to contain archaeological resources, but has never been evaluated by a qualified archaeologist. Moreover, one archaeological site (12-La-64) has already been recorded within one-half mile of the proposed project location. Site La-64 was a prehistoric burial site that was encountered during railroad construction.

Given the aforementioned factors, a reconnaissance level archaeological survey will be required of all portions of the project area that have not been previously disturbed by construction. The survey must be done in accordance with the Secretary of the Interior's "Standards and Guidelines for Archaeology and Historic Preservation" (48 F.R. 44716). A description of the survey methods and results must be submitted to the Division of Historic Preservation and Archaeology for review before we can comment further (list of qualified archaeological contractors enclosed).

A copy of the revised 36 C.F.R. Part 800 that went into effect on January 11, 2001, may be found on the Internet at www.achp.gov for your reference. If you have questions about our comments, please call our office at (317) 232-1646. Questions about archaeological issues should be directed to Jim Mohow. Questions about historic buildings or structures pertaining to this project should be directed to Karie A. Brudis.

Very truly yours,

for Jon C. Smith
Deputy State Historic Preservation Officer

JCS:KAB:JAM:jam

Enclosure

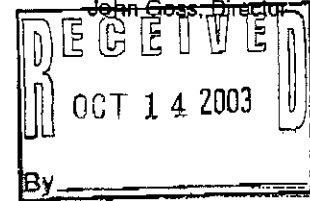
cc: Michael MacMullen, Airports Environmental Program Manager, Federal Aviation Administration



Indiana Department of Natural Resources

Environmental Unit
Division of Water
402 W. Washington Street, Rm. W264
Indianapolis, IN 46204-2641
(317) 232-4160
1-877-928-3755
Fax: (317) 233-4579

Frank O'Bannon, Governor
John Goss, Director



October 9, 2003

Mr. Prescott C. Snyder, Airport Environmental Program Manager
Chicago Airports District Office
U.S. Department of Transportation
Federal Aviation Administration
2300 East Devon Avenue, Suite 312
Des Plaines, Illinois 60018

RE: Gary/ Chicago International Airport Improvements (Meeting on October 21) --
DNR # CTS-ER-10492

Dear Mr. Snyder:

This is an informational letter in response to your request for an Environmental Review received at the Division of Water on October 8, 2003 for the above project in Lake County. We would like you to know that the review is in process. If you should want to check on the status of the review, you may call the number listed above. Please refer to the above DNR # when calling and on all future correspondence regarding this project.

For your information, as of March 4, 2002, the Environmental Unit has been relocated to the Division of Water office, and I have taken over the position of Steve Jose as the new Environmental Coordinator. Please send any future Environmental Review requests to:

Department of Natural Resources
Division of Water, Environmental Unit
Christie Kiefer, Environmental Coordinator
402 West Washington Street, W264
Indianapolis, IN 46204-2641

For future reference, always send three (3) entire copies of your Environmental Review request (in the same envelope preferably). When we receive these, we route one entire copy for review by the Division of Water and the Division of Nature Preserves, the second copy to the Division and Fish and Wildlife, and the third copy is forwarded to the Division of Historic Preservation for a separate review. If you have already sent or are going to send an Environmental Review request to the Division of Historic Preservation separately, please state it on your cover sheet and submit only two (2) copies.

If you have any questions or comments, please contact Alysson Slott, Environmental Secretary at the number above, or email her at aslott@dnr.state.in.us.

Sincerely,

Christie L. Kiefer
Environmental Coordinator



IN REPLY REFER TO:

United States Department of the Interior

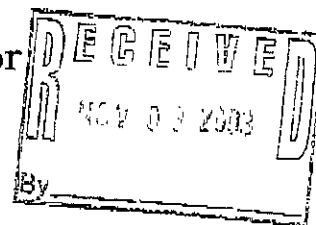
FISH AND WILDLIFE SERVICE

BLOOMINGTON FIELD OFFICE (ES)

620 South Walker Street

Bloomington, Indiana 47403-2121

(812) 334-4261 FAX 334-4273



October 29, 2003

Mr. Prescott C. Snyder
Airport Environmental Program Manager
Chicago Airports District Office
Federal Aviation Administration
2300 East Devon Avenue, Suite 312
Des Plaines, Illinois 60018

Subject: Gary/Chicago Airport Environmental Impact Statement Agency Meeting
Location: Gary, Lake County, Indiana

Dear Mr. Snyder:

The U.S. Fish and Wildlife Service (FWS) has reviewed the materials provided by your letter of October 6, 2003 and discussed at the Agency Meeting on October 21, 2003, and has the following comments.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

As indicated by various people at the meeting, we believe the Draft Environmental Impact Statement (DEIS) needs to explain why the proposed runway lengthening and expanded runway safety areas (RSA) are needed at Gary/Chicago Airport, which does not have an operating passenger airline, when Midway Airport in nearby Chicago is heavily utilized by passenger airlines despite having shorter runways and extensive surrounding developments. Although the purpose and need of any modifications at Midway are separate concerns, the public will undoubtedly wonder why the comparatively little-used Gary/Chicago Airport requires a 8,900-foot-long runway when Midway is operating with runways of 6,522 feet or less.

Concerning the relocation of the EJ&E Railroad, we support the recommended new Alternate 1 as having the least adverse environmental impact. However, additional wetland surveys will be needed in several areas not included in the initial wetland delineations conducted by J.F. New & Associates, Inc. We request a copy of the Gary/Chicago Airport Railroad Relocation Study of May 9, 2003, prepared by TranSystems Corporation. Please provide the copy to Elizabeth McCloskey, Northern Indiana Suboffice, P.O. Box 2616, Chesterton, Indiana 46304.

Approximately 50 acres of wetlands of varying quality have been delineated in the parcel of land bordered by Chicago Avenue, Cline Avenue, and the Toll Road/Cline Avenue Interchange access ramp. However, the area containing Conservation Chemical and a triangle between the EJ&E mainline and a spur line have not yet been delineated. We understand that several areas on the existing airport property have also been delineated. No mitigation plan has yet been developed.

2.

We believe that a comprehensive mitigation plan for the entire airport expansion proposal, including the possible future cargo area and relocated terminal area, should be developed rather than piecemealing the mitigation. Any necessary mitigation for the railroad relocation should also be included. Although the entire mitigation package may not need to be implemented immediately, in case the cargo area and new terminal are never developed, the type and location of the mitigation should be identified up front, which would be more likely to ensure that adequate mitigation would occur. Considering that there are remnant dune and swale habitats in the Gary/Chicago Airport vicinity, the U.S. Fish and Wildlife Service would be willing to consider protection and enhancement of these areas, and donation to the Indiana Department of Natural Resources, Division of Nature Preserves, as a component of the mitigation package. Wetland restoration at appropriate sites should also be a component of the mitigation package. Although it may not be possible to finalize the mitigation proposal prior to the issuance of the DEIS, which we understand is to occur within the next several months, a basic description of the proposal should be provided.

We understand from the environmental consultants working on aspects of the DEIS that no additional bird or herpetological studies have been undertaken and that data from the TAMS Consultants, Inc. studies for the Illinois-Indiana Regional Airport Study (Third Chicago Airport) of about 15 years ago are instead being utilized. Although the bird studies for that proposal were quite well done, only limited herpetological work was conducted. Even so, the data collected at that time is now about 15 years old; therefore, we do not consider it representative of current conditions. We believe that new bird and herpetological studies are needed for this project. These should concentrate on the areas that would be directly impacted by the proposed project, but should also include adjacent areas, particularly the wetlands and other natural habitats, since the runway extension and possible increased aircraft activity at the airport could adversely affect bird usage of the native habitats. Conversely, the birds could affect aircraft usage of the airport. Seasonal bird studies to address nesting, migration, and permanent residents of the area should be undertaken. Although these bird and herpetological studies cannot be completed prior to the issuance of the DEIS, they will need to be done prior to the implementation of any project plans and provided to the resource agencies for review.

ENDANGERED SPECIES

Our previous letters on the Gary/Chicago Airport expansion proposal have provided the current list of Federally endangered species for the project area. This list remains as stated. However, since our last correspondence we have learned that wild lupine, the only known larval food source for the endangered Karner blue butterfly (*Lycaeides melissa samuelis*), remains extent at remnant dune and swale habitat on the airport in the general vicinity of the control tower. We have also learned that the Karner blue butterfly naturally colonized another remnant dune and swale habitat on the north side of the Grand Calumet River downstream from the airport. Since Gary/Chicago Airport is directly north of and across the river from a nature preserve that supports the Karner blue butterfly, it is possible that this species may also have naturally colonized the habitat at the airport. Therefore, it will be necessary to survey the airport for the Karner blue butterfly during its flight periods in 2004.

These endangered species comments constitute informal consultation only. They do not fulfill the requirements of Section 7 of the Endangered Species Act of 1973, as amended.

3.

We appreciate the opportunity to provide input during this environmental impact review process. For further discussion please contact Elizabeth McCloskey at (219) 983-9753 or elizabeth.mccloskey@fws.gov.

Sincerely yours,

Elizabeth S. McCloskey
Scott E. Pruitt
for Supervisor *Acting*

cc: Director, Indiana Division of Nature Preserves, Indianapolis, IN
Tom Post, Indiana Division of Nature Preserves, Medaryville, IN
Christie Kiefer, Environmental Coordinator, Division of Water, Indianapolis, IN
Jim Smith, IDEM, Office of Land Quality, Indianapolis, IN
Marty Maupin, IDEM, Office of Water Management, Indianapolis, IN
INDOT, Division of Aeronautics, Indianapolis, IN
Sally Swanson, USEPA, HRM-7J, Chicago, IL
Virginia Laszewski, USEPA, B-19J, Chicago, IL
Charlie Simon, USCOE, Detroit, MI
Greg McKay, USCOE, South Bend, IN



Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.state.in.us

Joseph E. Kernan, Governor
John Goss, Director



February 13, 2004

Susan M. Schalk, AAE, AICP
President
Aerofinity
510 South New Jersey Street
Indianapolis, Indiana 46204

Federal Agency: Federal Aviation Administration ("FAA")

Re: Archaeological records review (Northam & Zoll 11/19/03) concerning improvement to the Gary/Chicago Airport including railroad relocation, improved runway safety areas, extension of Runway 12-30, expansion of the terminal site, and analysis of sites for new passenger terminal and air cargo areas (DNR #9377)

Dear Ms. Schalk:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated January 15, 2004, and received on January 23, 2004, for the above indicated project in Gary, Calumet Township, Lake County, Indiana.

Based upon the documentation available to the staff of the Indiana SHPO and the results of the archaeological records review, we have not identified any historic buildings, structures, districts, objects, or archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

This identification is subject to the following condition:

- The project activities remain within areas disturbed by previous construction.

At this time, it would be appropriate for the FAA to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Refer to the following comments for guidance:

- 1) If the FAA believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).
- 2) If, on the other hand, the FAA finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4(d)(2) and 800.2(d)(2). Thereafter, the FAA may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5.

We look forward to receiving notice of the FAA's findings.

Also, be advised that if any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In the event that artifacts or features are discovered during the implementation of the Federally assisted project, activity, or program and a plan has not been developed, it is the Federal agency's responsibility to make reasonable efforts to avoid, minimize or mitigate adverse effects in accordance with 36 C.F.R. § 800.13.

A copy of the revised 36 C.F.R. Part 800 that went into effect on January 11, 2001, may be found on the Internet at www.achp.gov for your reference. If you have questions about our comments, please call our office at (317) 232-1646. Questions about archaeological issues should be directed to Bill Mangold. Questions about historic buildings or structures pertaining to this project should be directed to Karie A. Brudis.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jon C. Smith", with a long horizontal flourish extending to the right.

Jon C. Smith
Deputy State Historic Preservation Officer

JCS:WLM:KAB:kab

cc: Prescott Snyder, Federal Aviation Administration



U.S. Department
of Transportation

**Federal Aviation
Administration**

Great Lakes Region
Illinois, Indiana, Michigan,
Minnesota, North Dakota,
Ohio, South Dakota,
Wisconsin

Airports Division
2300 East Devon Avenue, Suite 315
Des Plaines, Illinois 60018

April 8, 2004

Mr. Jon C. Smith
Deputy State Historic Preservation Officer
Indiana Department of Natural Resources
Division of Historic Preservation and Archaeology
402 W. Washington Street, W274
Indianapolis, IN 46204-2739

Dear Mr. Smith:

RE: Federal Aviation Administration Finding of "No Historic Properties Affected" for Proposed Improvement to the Gary Chicago International Airport Including Railroad Relocation, Improved Runway Safety Areas, Extension of Runway 12-30, Expansion of Terminal Site, and Analysis of Sites for New Passenger Terminal and Air Cargo Areas, Gary/Chicago International Airport in Gary, Indiana (DNR #9377)

The Gary/Chicago Airport Authority proposes to bring Runway 12-30 into compliance with the Federal Aviation Administration design standards, extend Runway 12-30 northwest to 8900 feet, and make other improvements at Gary/Chicago International Airport in Gary, Indiana. The Authority must move a railroad track to allow the runway safety area improvements and the extension of Runway 12-30. Approximately 315 acres of land are proposed for acquisition. The land has been highly disturbed and much of the soil has been contaminated with hazardous wastes.

In earlier correspondence there was some confusion with a military project at the same airport that is to occur at a different location on the airport by a different agency. Since then materials, including an email, submitted on February 13, 2003 by the airport's consultant – the firm of Aerofinity, Inc. and a subsequent email you received on March 10, 2003, clarified the relationship between the two projects. The exact timing for the improvements proposed by the military is uncertain at this time and if these improvements are scheduled to occur later, the National Guard Bureau will provide a separate submission describing this undertaking, which would be subject to a separate review under Section 106.

The firm, Aerofinity, Inc. submitted to you in letters dated January 15, 2004, an Archaeological Records Review dated November 19, 2003, by Archaeological Resources Management Service (Northam and Zoll) and other information. This document provided information for the entire project area, and provided an illustration of the area of potential effects. Copies of those letters are enclosed.

The Archaeological Records Review documents no historic or prehistoric sites within the project area. The Principal Investigator states that given that the land within the proposed project area has been extensively disturbed by industrial, railroad, and urban usage, the likelihood of intact archaeological deposits is unlikely. Therefore, he recommends that the project be allowed to proceed without additional archaeological assessment being undertaken. Also, according to your February 13, 2004 letter to Susan Schalk of Aerofinity, no historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register appear to be within the probable area of potential effects.

The Federal Aviation Administration (FAA) therefore finds that "No Historic Properties are Affected" based on the information provided in the Archaeological Field Reconnaissance for the site in question and the Indiana SHPO's earlier evaluation. Further, as part of FAA's proposed Record of Decision for the Environmental Impact Statement prepared for this project; future actions by the Gary/Chicago Airport Authority will be subject to the following conditions in regard to the acquisition and clearing of land for the improvements associated with the enhancement of the runway safety areas/extension of Runway 12/30, and other proposed improvements.

- If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) require that work must stop and that the discovery must be reported to the Indiana Department of Natural Resources, Division of Historic Preservation and Archeology within two (2) business days.
- In the event that artifacts or features are discovered during the grading for and installation of the instrument landing system on Runway 9/27, the Gary/Chicago Airport Authority will notify the Federal Aviation Administration (FAA) and cooperate with FAA to develop a plan to make reasonable efforts to avoid, minimize or mitigate adverse effects in accordance with 36 C.F.R § 800.13.

A copy of FAA's Record of Decision and the Environmental Impact Statement (including the results of the Archaeological Records Review and Section 106 coordination) will be available for public inspection per 36 C.F.R. § 800.4 [d][1] and Council on Environmental Quality Regulations 1506.6.

The Section 800.11 (e) Documentation is included for your review. If you have any questions, please call me at (847) 294-7538.

Sincerely,



Prescott C. Snyder
Airports Environmental Program Manager
Airports Division

**Postcards and E-Mails
Received Indicating Status of Comments**

Indiana Department of Natural Resources

~~US Fish & Wildlife Service~~

We have received the Introduction and Purpose and Need Briefing Papers for the Gary/Chicago Airport Environmental Impact Statement.

- ☐ We will have comments on these documents.
☐ These comments are enclosed.
☒ These comments will be sent under separate cover by March 14, 2003.
☒ We have NO additional comments on these documents.
☒ We do want to review the EIS.

Christie L. Kiefer
 Signature
 Christie L. Kiefer, Environmental Coordinator

Indiana Department of Natural Resources Division of Nature Preserves

We have received the Introduction and Purpose and Need Briefing Papers for the Gary/Chicago Airport Environmental Impact Statement.

- ☐ We will have comments on these documents.
☐ These comments are enclosed.
☒ These comments will be sent under separate cover by March 14, 2003.
☒ We have NO additional comments on these documents.

John W. Post
 Signature

Indiana Department of Transportation, Toll Road District

We have received the Introduction and Purpose and Need Briefing Papers for the Gary/Chicago Airport Environmental Impact Statement.

- ☐ We will have comments on these documents.
☐ These comments are enclosed.
☒ These comments will be sent under separate cover by March 14, 2003.
☒ We have NO additional comments on these documents.
 Verbal comments were made at the Feb 29th, 2003 meeting.
Samuel R. Huber
 Signature

The plans as submitted do not conflict with Toll Road 3rd Lane Projects.

Department of Agriculture, Natural Resources Conservation Service

We have received the Introduction and Purpose and Need Briefing Papers for the Gary/Chicago Airport Environmental Impact Statement.

- ☐ We will have comments on these documents.
☐ These comments are enclosed.
☒ These comments will be sent under separate cover by March 14, 2003.
☒ We have NO additional comments on these documents.

William R. Hartman
 Signature

Department of Interior, Fish and Wildlife Service

We have received the Introduction and Purpose and Need Briefing Papers for the Gary/Chicago Airport Environmental Impact Statement.

- ☒ We will have comments on these documents.
☐ These comments are enclosed.
☒ These comments will be sent under separate cover by March 14, 2003.
☐ We have NO additional comments on these documents.

Elizabeth E. M. Muehling
 Signature

Environmental Protection Agency Region 5 Environmental Planning & Evaluation Branch

We have received the Introduction and Purpose and Need Briefing Papers for the Gary/Chicago Airport Environmental Impact Statement.

☒ We will have comments on these documents.
These comments are enclosed.

☐ These comments will be sent under separate cover by March 14, 2003.
☐ We have NO additional comments on these documents.

WIKSIA CANTWICK, EPO, USCA AGENCY

Signature

Amy Corps of Engineers

We have received the Introduction and Purpose and Need Briefing Papers for the Gary/Chicago Airport Environmental Impact Statement.

☒ We will have comments on these documents.
These comments are enclosed.

☐ These comments will be sent under separate cover by March 14, 2003.
☐ We have NO additional comments on these documents.

Signature

Gary/Chicago Airport Tower

We have received the Introduction and Purpose and Need Briefing Papers for the Gary/Chicago Airport Environmental Impact Statement.

☐ We will have comments on these documents.
These comments are enclosed.

☒ These comments will be sent under separate cover by March 14, 2003.
☐ We have NO additional comments on these documents.

Signature


Economic Development, City of Gary

We have received the Introduction and Purpose and Need Briefing Papers for the Gary/Chicago Airport Environmental Impact Statement.

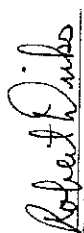
☐ We will have comments on these documents.
These comments are enclosed.

☒ These comments will be sent under separate cover by March 14, 2003.
☐ We have NO additional comments on these documents.

Signature

 Annette Davis
To: Prescott Snyder/AGL/FAA@FAA
cc:
03/07/03 07:40 AM
Subject: GYY

I have no comment of briefing papers 1 and 2.
Annette

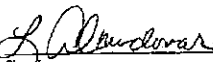
U.S. Federal Highway Administration
We have received the Introduction and Purpose and Need Briefing Papers for the Gary/Chicago Airport Environmental Impact Statement.
____ We will have comments on these documents.
____ These comments are enclosed.
☒ These comments will be sent under separate cover by March 14, 2003.
____ We have NO additional comments on these documents.

Signature Robert Dirks

Community Development, City of Gary

We have received the Introduction and Purpose and Need Briefing Papers for the Gary/Chicago Airport Environmental Impact Statement.

- ☐ We will have comments on these documents.
☐ These comments are enclosed.
☐ These comments will be sent under separate cover by March 14, 2003.

☒ We have NO additional comments on these documents.


 Signature

County Parks and Recreation

We have received the Introduction and Purpose and Need Briefing Papers for the Gary/Chicago Airport Environmental Impact Statement.

- ☒ We will have comments on these documents.
☐ These comments are enclosed.
☒ These comments will be sent under separate cover by March 14, 2003.

☐ We have NO additional comments on these documents.


 Signature

Mr. Prescott Snyder
 FAA Chicago Airports District Office
 2300 East Devon Avenue
 Des Plaines, IL 60018

03/21

14:38

CHI-ADO

CHI-ADO

0002

03/24/03

16:36

CHI-ADO

CHI-ADO

Federal Railroad Administration

We have received the Introduction and Purpose and Need Briefing Papers for the Gary/Chicago Airport Environmental Impact Statement.

☐ We will have comments on these documents.
☐ These comments are enclosed.

☒ We have NO additional comments on these documents. (BRIFING PAPERS)

NO 1 OR 2.
WE WILL HAVE A RESPONSE ON THE RAIL
RELOCATION PLAN WHEN IT IS DISTRIBUTED

Signature

Richard W. Campbell 3/14/03

Federal Railroad Administration

We have received the Introduction and Purpose and Need Briefing Papers for the Gary/Chicago Airport Environmental Impact Statement.

☐ We will have comments on these documents.
☐ These comments are enclosed.

☒ We have NO additional comments on these documents.

Signature
D. Vahenish

Indiana Department of Transportation
Toll Road District

We have received Briefing Paper 1 Introduction, Briefing Paper 2 Purpose and Need, and Briefing Paper 3 Alternatives for the Gary/Chicago International Airport Environmental Impact Statement.

☐ We will have comments on these documents.
These comments are enclosed.

☐ These comments will be sent under separate cover (due November 4, 2003).

☒ We have NO additional comments on these documents.

Signature Samuel E. Wolfe

Please Print Name
Samuel E. Wolfe

INDOT - Toll Road District Operations

Indiana Department of Natural Resources
Division of Water, Environmental Unit

We have received Briefing Paper 1 Introduction, Briefing Paper 2 Purpose and Need, and Briefing Paper 3 Alternatives for the Gary/Chicago International Airport Environmental Impact Statement.

☒ We will have comments on these documents.
These comments are enclosed.

☒ These comments will be sent under separate cover (due November 4, 2003).

☐ We have NO additional comments on these documents.

Signature Alvesson C. Slott

Please Print Name
Alvesson C. Slott

Gary/Chicago International Airport Tower

We have received Briefing Paper 1 Introduction, Briefing Paper 2 Purpose and Need, and Briefing Paper 3 Alternatives for the Gary/Chicago International Airport Environmental Impact Statement.

☐ We will have comments on these documents.
These comments are enclosed.

☐ These comments will be sent under separate cover (due November 4, 2003).

☒ We have NO additional comments on these documents.

Signature Scott A. Finkley

Please Print Name
Scott A. Finkley

NOV 11 2003

Federal Aviation Administration
Airport Branch, AGL529E, Air Traffic Division
We have received Briefing Paper 1 Introduction, Briefing Paper 2 Purpose and Need, and Briefing
Paper 3 Alternatives for the Gary/Chicago International Airport Environmental Impact
Statement.

☐ We will have comments on these documents.
These comments are enclosed.
These comments will be sent under separate cover (due November 4, 2003).

☒ We have NO additional comments on these documents.

Signature Amyette Davis
Please Print Name AMYETTE DAVIS

Indiana Department of Environmental Management
We have received Briefing Paper 1 Introduction, Briefing Paper 2 Purpose and Need, and Briefing
Paper 3 Alternatives for the Gary/Chicago International Airport Environmental Impact
Statement.

☒ We will have comments on these documents.
These comments are enclosed.
These comments will be sent under separate cover (due November 4, 2003).

☐ We have NO additional comments on these documents.

Signature Alexandre F. da Silva
Please Print Name Alexandre F. da Silva

Joyce D. Brummett

From: <SueSchalk@aol.com>
To: <jbrummett@aerofinity.com>
Sent: Tuesday, November 11, 2003 6:43 AM
Subject: GYY comments

This forwarded to me from Scott Snyder late last week:

----- Forwarded by Prescott Snyder/AGL/FAA on 11/06/2003 07:16 AM -----
11/05/2003 03:51 PM
Subject: Gary / Chicago Int'l Airport Agency Comments - (from INDOT Rail Section)

Dear Prescott: Thank you for your continued work keeping all interested parties involved in the environmental review of the Gary / Chicago Int'l Airport plans. I have participated in several of the planning meetings related to the airport expansion plans, examining the rail re-routing issues as they have been presented. Although I was unable to attend the October 21, 2003 meeting, I have reviewed the rail re-routing plan in the documents provided. My understanding, through reviewing the documents and as a result of conversations with people involved in the analysis work, is that the proposal for routing the Elgin, Joliet and Eastern rail line in a corridor at the Western edge of the airport property, paralleling and adjacent to Cline Avenue is currently the preferred alternative.

This plan does not cause any significant problems identifiable to the Rail Section and appears to work well with the plans for the Midwest Initiative high speed rail route in the vicinity. My understanding is that the routing plan is the best, most workable solution to the current runway expansion needs and has been planned in coordination with the E&E Railroad. Along with being an effective routing solution, the New Alternative 1 routing plan along Cline Avenue also is identified as the most cost efficient and most practicable to implement. This appears to be a plan that will allow the runway extension to be able to be completed in the timely manner that is desired. I know this response is brief, however, it should be sufficient to confirm that the INDOT Rail Section has reviewed the analysis of alternatives shown in Briefing Paper 3 and does not oppose the recommendation supporting Alternative 1. Thank you.

Sincerely,

Tom Beck

Tom Beck
INDOT Rail Planner
IGCN Room N901
100 N. Senate Avenue
Indianapolis, IN 46204
317-232-1478

11/11/03

Joyce D. Brummett

From: <SueSchalk@aol.com>
To: <jbrummett@aerofinity.com>
Sent: Tuesday, November 11, 2003 6:42 AM
Subject: GYY comments

This forwarded to me late last week from Scott Snyder:

----- Forwarded by Prescott Snyder/AGL/FAA on 11/06/2003 07:19 AM -----
11/06/2003 06:39 AM
Subject: Gary/Chicago International Airport Environmental Impact Statement

Scott,

All of my comments about the Gary EIS were verbal and submitted at the meeting. Thanks,

Martin J. Blake
Project Manager
INDOT-Aeronautics
(317) 232-1489

11/11/03

**Postcards, E-Mails, Telephone Call
Received Indicating DEIS Review Participation**

Virginia Laszewski
03/18/04 11:13 AM

To: jbrummett@aerofinity.com
cc: Prescott.Snyder@faa.gov
Subject: Fw: Gary Airport DEIS early notification - request 8 copies of the DEIS

FYI

Virginia Laszewski
Environmental Scientist

US EPA, Region 5
OSEA, EPEB
77 W. Jackson Blvd. (mail code: B-19J)
Chicago, IL 60604-3590
Phone: (312) 886-7501
Fax: (312) 353-5374
email: laszewski.virginia@epa.gov
----- Forwarded by Virginia Laszewski/R5/USEPA/US on 03/18/04 11:12 AM -----

Virginia Laszewski
03/18/04 10:58 AM

To: Prescott.Snyder@faa.gov
cc: Kenneth Westlake/R5/USEPA/US@EPA
Subject: Gary Airport DEIS early notification - request 8 copies of the DEIS

Scott,

I received your March 12, 2004, letter informing U.S. EPA that we can expect to receive copies of the DEIS for the Gary Airport proposal on/or about April 16, 2004. Thank you for the heads-up!

In order to expedite U.S. EPA's review of the DEIS, please send me eight (8) hard copies w/CDs of the DEIS so I can distribute them to the various U.S. EPA Divisions/Branches for their review and input.

Your letter, in part, states: *"We are still deeply interested in meeting with you one-on-one in order to receive your input and address any concerns that you may have before you formalize your comments on the DEIS."* Does this mean that FAA, the project proponents and their consultants do not wish to meet with U.S. EPA before the DEIS is finalized and sent to us for review?

Thank you,

Virginia Laszewski
Environmental Scientist

US EPA, Region 5
OSEA, EPEB
77 W. Jackson Blvd. (mail coc
Chicago, IL 60604-3590
Phone: (312) 886-7501
Fax: (312) 353-5374
email: laszewski.virginia@epa

Environmental Protection Agency Region 5

In preparation for the mailing of the DEIS for Gary/Chicago International Airport, we need your assistance in identifying who will be reviewing the document. Please indicate your preference below:

☒ **OUR AGENCY** will be reviewing the DEIS document. Please use the mailing information from the accompanying letter.

☒ **8** # Copies of the Document **8** Electronic Copy on CD ☒

Our agency will be reviewing the document, but it should be mailed to the following person:

Please remove my name from the DEIS mailing list.

If you would prefer e-mailing your response instead of returning this postcard, please respond to jbrummett@aerofinity.com. (or call 317.955.8395, ext. 302).

City of Gary - Economic Development

In preparation for the mailing of the DEIS for Gary/Chicago International Airport, we need your assistance in identifying who will be reviewing the document. Please indicate your preference below:



I will be reviewing the DEIS document. Please use the mailing information from the accompanying letter.

1 # Copies of the Document 1 Electronic Copy on CD

☐ Our agency will be reviewing the document, but it should be mailed to the following person:

☐ Please remove my name from the DEIS mailing list.

If you would prefer e-mailing your response instead of returning this postcard, please respond to jbrummett@aerofinity.com. (or call 317.955.8395, ext. 302).

Department of Interior - Fish and Wildlife

In preparation for the mailing of the DEIS for Gary/Chicago International Airport, we need your assistance in identifying who will be reviewing the document. Please indicate your preference below:

☐ I will be reviewing the DEIS document. Please use the mailing information from the accompanying letter.

☐ # Copies of the Document ☐ Electronic Copy on CD

☒ Our agency will be reviewing the document, but it should be mailed to the following person:

Elizabeth McCloskey

U.S. Fish and Wildlife Service

Northern Indiana Sub-Office

P.O. Box 2616

☐ Please remove my name from the DEIS mailing list.
Chesterton, IN 46304-2616

If you would prefer e-mailing your response instead of returning this postcard, please respond to jbrummett@aerofinity.com. (or call 317.955.8395, ext. 302).

(2)

Gary/Chicago International Airport Tower

In preparation for the mailing of the DEIS for Gary/Chicago International Airport, we need your assistance in identifying who will be reviewing the document. Please indicate your preference below:

☐ I will be reviewing the DEIS document. Please use the mailing information from the accompanying letter.

☐ # Copies of the Document ☐ Electronic Copy on CD

☐ Our agency will be reviewing the document, but it should be mailed to the following person:

☒ Please remove my name from the DEIS mailing list.

I WILL REVIEW THE AIRPORTS COPY. Thank you
If you would prefer e-mailing your response instead of returning this postcard, please respond to jbrummett@aerofinity.com. (or call 317.955.8395, ext. 302).

In preparation for the mailing of the DEIS for Gary/Chicago International Airport, we need your assistance in identifying who will be reviewing the document. Please indicate your preference below:

☐ I will be reviewing the DEIS document. Please use the mailing information from the accompanying letter.
☐ # Copies of the Document ☐ Electronic Copy on CD

☐ Our agency will be reviewing the document, but it should be mailed to the following person:

HUD CPD
DIVISION DIRECTOR
151 N. DELAWARE ST

☒ Do not include my name on the DEIS mailing list. INDIANAPOLIS, IN 46204-2521

If you would prefer e-mailing your response instead of returning this postcard, please respond to jbrummett@aerofinity.com. (or call 317.955.8395, ext. 302).

28

Indiana Department of Environmental Management

In preparation for the mailing of the DEIS for Gary/Chicago International Airport, we need your assistance in identifying who will be reviewing the document. Please indicate your preference below:

☐ I will be reviewing the DEIS document. Please use the mailing information from the accompanying letter.
☐ # Copies of the Document ☐ Electronic Copy on CD

☒ Our agency will be reviewing the document, but it should be mailed to the following person:

Andrew Pelloso
Alex daSilva
Jim Smith

IDEM 100 N. Senate Ave
Indianapolis, IN 46204

☐ Please remove my name from the DEIS mailing list.

If you would prefer e-mailing your response instead of returning this postcard, please respond to jbrummett@aerofinity.com. (or call 317.955.8395, ext. 302).

①

Indiana Dept. of Natural Resources - Division of Historic Preservation and Archaeology

In preparation for the mailing of the DEIS for Gary/Chicago International Airport, we need your assistance in identifying who will be reviewing the document. Please indicate your preference below:

☒ I will be reviewing the DEIS document. Please use the mailing information from the accompanying letter.
☒ # Copies of the Document ☒ Electronic Copy on CD

☐ Our agency will be reviewing the document, but it should be mailed to the following person:

☐ Please remove my name from the DEIS mailing list.

If you would prefer e-mailing your response instead of returning this postcard, please respond to jbrummett@aerofinity.com. (or call 317.955.8395, ext. 302).

Indiana Department of Natural Resources - Division of Nature Preserves

-10m Papp

In preparation for the mailing of the DEIS for Gary/Chicago International Airport, we need your assistance in identifying who will be reviewing the document. Please indicate your preference below:

☒ I will be reviewing the DEIS document. Please use the mailing information from the accompanying letter.
1 # Copies of the Document ☐ Electronic Copy on CD

☐ Our agency will be reviewing the document, but it should be mailed to the following person:

☐ Please remove my name from the DEIS mailing list.

If you would prefer e-mailing your response instead of returning this postcard, please respond to jbrummett@aerofinity.com. (or call 317.955.8395, ext. 302).

Indiana Department of Natural Resources - Division of Water, Environmental Unit

In preparation for the mailing of the DEIS for Gary/Chicago International Airport, we need your assistance in identifying who will be reviewing the document. Please indicate your preference below:

☒ I will be reviewing the DEIS document. Please use the mailing information from the accompanying letter.
2 # Copies of the Document ☐ Electronic Copy on CD

☐ Our agency will be reviewing the document, but it should be mailed to the following person:

will be reviewed by multiple persons.

☐ Please remove my name from the DEIS mailing list.

If you would prefer e-mailing your response instead of returning this postcard, please respond to jbrummett@aerofinity.com. (or call 317.955.8395, ext. 302).

In preparation for the mailing of the DEIS for Gary/Chicago International Airport, we need your assistance in identifying who will be reviewing the document. Please indicate your preference below:

☐ I will be reviewing the DEIS document. Please use the mailing information from the accompanying letter.
☐ # Copies of the Document ☐ Electronic Copy on CD

☒ Our agency will be reviewing the document, but it should be mailed to the following person:

John P. Froman, Chief
P.O. Box 1527
Miami, OK 74355

PEORIA INDIAN
TRIBE OF OKLAHOMA

☐ Do not include my name on the DEIS mailing list.

If you would prefer e-mailing your response instead of returning this postcard, please respond to jbrummett@aerofinity.com. (or call 317.955.8395, ext. 302).

In preparation for the mailing of the DEIS for Gary/Chicago International Airport, we need your assistance in identifying who will be reviewing the document. Please indicate your preference below:

☐ I will be reviewing the DEIS document. Please use the mailing information from the accompanying letter.
☐ # Copies of the Document ☐ Electronic Copy on CD

☐ Our agency will be reviewing the document, but it should be mailed to the following person:

_____ USDA

☒ Do not include my name on the DEIS mailing list. Deputy Director
USDA APHIS - Unit 149
Riverdale, MD

If you would prefer e-mailing your response instead of returning this postcard, please respond to jbrummett@aerofinity.com. (or call 317.955.8395, ext. 302).

18

In preparation for the mailing of the DEIS for Gary/Chicago International Airport, we need your assistance in identifying who will be reviewing the document. Please indicate your preference below:

☐ I will be reviewing the DEIS document. Please use the mailing information from the accompanying letter.
☐ # Copies of the Document ☒ Electronic Copy on CD

☒ Our agency will be reviewing the document, but it should be mailed to the following person:

Jeremy Finch
Citizen Potawatomi Nation
1601 S. Gordon Cooper Dr,
Shawnee OK 74801

☐ Do not include my name on the DEIS mailing list.

If you would prefer e-mailing your response instead of returning this postcard, please respond to jbrummett@aerofinity.com. (or call 317.955.8395, ext. 302).

36

In preparation for the mailing of the DEIS for Gary/Chicago International Airport, we need your assistance in identifying who will be reviewing the document. Please indicate your preference below:

☒ I will be reviewing the DEIS document. Please use the mailing information from the accompanying letter.
☒ # Copies of the Document ☐ Electronic Copy on CD

☐ Our agency will be reviewing the document, but it should be mailed to the following person:

Wyandotte Nation Env. Dept.
Sherri Clemens
P.O. Box 250
Wyandotte, OK 74370

☐ Do not include my name on the DEIS mailing list.

If you would prefer e-mailing your response instead of returning this postcard, please respond to jbrummett@aerofinity.com. (or call 317.955.8395, ext. 302).

46

In preparation for the mailing of the DEIS for Gary/Chicago International Airport, we need your assistance in identifying who will be reviewing the document. Please indicate your preference below:

☒ I will be reviewing the DEIS document. Please use the mailing information from the accompanying letter.
~~1~~ # Copies of the Document 1 Electronic Copy on CD

☐ Our agency will be reviewing the document, but it should be mailed to the following person:

MIAMI TRIBE OF
OKLAHOMA
MR. FLOYD E.
LEONARD

☐ Do not include my name on the DEIS mailing list.

If you would prefer e-mailing your response instead of returning this postcard, please respond to jbrummett@aerofinity.com. (or call 317.955.8395, ext. 302).

42

Federal Railroad Administration

In preparation for the mailing of the DEIS for Gary/Chicago International Airport, we need your assistance in identifying who will be reviewing the document. Please indicate your preference below:

☒ I will be reviewing the DEIS document. Please use the mailing information from the accompanying letter.
1 # Copies of the Document 1 Electronic Copy on CD

☐ Our agency will be reviewing the document, but it should be mailed to the following person:

☐ Please remove my name from the DEIS mailing list.

If you would prefer e-mailing your response instead of returning this postcard, please respond to jbrummett@aerofinity.com. (or call 317.955.8395, ext. 302).

①

Federal Railroad Administration

In preparation for the mailing of the DEIS for Gary/Chicago International Airport, we need your assistance in identifying who will be reviewing the document. Please indicate your preference below:

☒ I will be reviewing the DEIS document. Please use the mailing information from the accompanying letter.
1 # Copies of the Document 1 Electronic Copy on CD

☐ Our agency will be reviewing the document, but it should be mailed to the following person:

☐ Please remove my name from the DEIS mailing list.

If you would prefer e-mailing your response instead of returning this postcard, please respond to jbrummett@aerofinity.com. (or call 317.955.8395, ext. 302).

②

Joyce D. Brummett

From: <Eugene_Goldfarb@HUD.GOV>
To: <jbrummett@aerofinity.com>
Cc: <steve_van@HUD.GOV>
Sent: Tuesday, March 23, 2004 12:06 PM

Please send me 1 hard copies & 2 CD's of DEIS for Gary/Chicago Intl airport.

Thanks

eugene goldfarb
Midwest Environmental Officer
USDHUD
77 W Jackson Blvd
Chicago, IL 60604
312-353-1696x2727
312-353-5417 (fax)
<http://www.hud.gov/local/il/working/environmenttrain.cfm>

3/23/04

Joyce D. Brummett

From: "Ramona Schreiber" <Ramona.Schreiber@noaa.gov>
To: <jbrummett@aerofinity.com>
Sent: Tuesday, March 23, 2004 8:32 AM
Attach: Ramona Schreiber vcf
Subject: FAA Gary/Chicago Intl Airport DEIS

Thank you for notice of the upcoming DEIS distribution.

Please note the new address for NOAA NEPA Coordination and Compliance:

NOAA PPI Strategic Planning Office
PPI/SP, SSMC3
1315 East-West Hwy
Silver Spring, MD 20910

Please update FAA's mailing list accordingly.

Please send 2 electronic copies on CD for our review.

Thanks,
Ramona Schreiber

3/23/04

Joyce D. Brummett

From: "Simon, Charles M LRE" <Charles.M.Simon@lre02.usace.army.mil>
To: <jbrummett@aerofinity.com>
Sent: Monday, March 29, 2004 9:58 AM
Subject: DEIS for Gary/Chicago Airport

I am responding on behalf of the U.S. Army Corps of Engineers, regarding your request to confirm distribution information for the DEIS:

Please provide 1 written copy to the address indicated in your letter:

Gary R. Mannesto
Chief, Regulatory Office
US Army Corps of Engineers, Detroit District
Box 1027
Detroit MI 48231-1027

(Note: Non-US Postal Service or overnight mail should be directed to: Gary R. Mannesto; Chief, Regulatory Office; US Army Corps of Engineers, Detroit District; 477 Michigan Ave; Detroit MI 48226)

Please provide 1 additional written copy to:

South Bend Field Office
U.S. Army Corps of Engineers
2422 Viridian Drive, Suite 101
South Bend IN 46628

thanks,
Charlie Simon
Regulatory Office
Corps of Engineers, Detroit District
313-226-2221
313-226-6763 fax
Charles.M.Simon@usace.army.mil

3/29/04

Telephone Calls Received

3/23/04

One Electronic Copy Requested For:

Linda Lawson
Director of Safety, Energy and Environment
Office of Policy
U.S. Department of Transportation
400 7th Street, Room 10317
Washington, DC 20590

4/2/04

One Hard Copy Requested For:

Jane E. Hardisty
State Conservationist
U.S. Department of Agriculture
Natural Resources Conservation Service
6013 Lakeside Boulevard
Indianapolis, IN 46268

Joyce D. Brummett

From: "Susan" <szellers@aerofinity.com>
To: "Joyce D. Brummett" <jbrummett@aerofinity.com>; "Sue Schalk" <:sschalk@aerofinity.com>
Sent: Friday, October 17, 2003 2:44 PM
Attach: Susan JH Zellers.vcf
Subject: GYY Coastal Zones

Sue and Joyce-

I had a call back from Mike Molnar with IDNR Coastal Zones. His phone number is 233.0132 if we have additional questions. I am passing along this info so someone else could proceed if I am not in to tackle this on Monday.

When Indiana's Coastal Zone program was approved last August, it made federal projects in the coastal zone subject to federal consistency. Federal consistency means a federal project is required to follow all applicable state regulations and seek the appropriate state permits (in addition to any federal permits). The State is still working on the exact handling of the program and anticipates about the beginning of the year program guidance may be available identifying how to process this requirement.

To assist us at this time, Mike referred me to their website www.in.gov/dnr/lakemich/pdf/feis-iich5-ptvi.pdf to the 10 matrixes starting on page 20. The last column identifies the federal consistency applicability. When on the website, I also noticed they had the 10 matrixes summarized separately at www.in.gov/dnr/lakemich/federal/matrix/html. It appears the first document may have additional text, possible explanations between the matrixes where the second document provide just each of the matrixes.

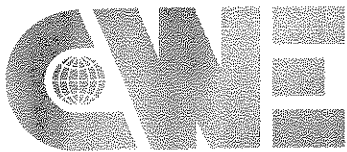
Mike cautioned that this information is now about two years old, so there may be some new regulations (ex. Rule 5 development - erosion control plans) that are not listed.

The bottom line is that if we meet all applicable state regulations, we meet the coastal zone requirements. Since there is no guidance on how to proceed in demonstrating conformance, here is my suggested game plan. Someone needs to go through the matrixes and identify all the potential state requirements. This list then needs to be coordinated with the appropriate sub overseeing that area, i.e. air quality, water quality, wetlands etc. so that as a part of their analysis they are considering the applicable state regulations. All this information should be included in the DEIS. Many of the areas are probably already being covered, we just need to verify and be sure it is discussed in the text. When we are getting ready to publish the DEIS, we should touch base with Mike to determine if there is any further guidance on how to coordinate the coastal zone, i.e. do we need to send him a copy of the DEIS or just get to the point where all the various state agencies are accepting the DEIS.

Good luck!

Susan

Susan J.H. Zellers, P.E.
Principal
Aerofinity, Inc.
51 S. New Jersey Street, 2nd Floor
Indianapolis, IN 46204
317.955.8395 x 303 phone
317.955.8479 fax
szellers@aerofinity.com



an World Engineering, Ltd.

January 16, 2004

Ms. Susan Schalk
President
Aerofinity, Inc.
51 South New Jersey Street
Indianapolis, Indiana 46204

**RE: Gary/Chicago International Airport
Preliminary Draft Environmental Impact Statement
Matrix 5-8 Review
CWE Project No. A062-806**


Dear Ms. Schalk:

The Appendix of the Preliminary Draft Environmental Impact Statement (EIS) for the runway expansion and other improvements at the Gary/Chicago International Airport (GYI) includes a section entitled "Matrix 5-8: Cross-reference of Pollution Prevention, Recycling, Reuse and Waste Management Laws and Guideline Documents." Clean World Engineering, Ltd. (CWE) has reviewed the citations listed and has determined that all the identified items have been considered in the evaluation of the hazardous waste impacts described in the Preliminary Draft EIS.

Should you have any questions, please contact me at (630) 260-0200.

Sincerely,

CLEAN WORLD ENGINEERING, LTD.



Thomas Blaszk
Environmental Specialist



THE Louis Berger Group, INC.

20 Corporate Woods Boulevard, Albany, New York 12211-2370 USA
Tel 518 432 9545 Fax 518 432 9571 www.louisberger.com

February 17, 2004

Ms. Susan Schalk
President
Aerofinity, Inc.
51 South New Jersey Street
Indianapolis, Indiana 46204

Subject: Gary/Chicago International Airport
Preliminary Draft Environmental Impact Statement
Matrix Review

Dear Ms. Schalk:

The Preliminary Draft Environmental Impact Statement (DEIS) for Gary/Chicago International Airport includes Section 5.13 *Coastal Zone Management/Barrier Programs*. Part of this section details laws, provisions and judicial decisions that are used to manage the Lake Michigan Coastal Program. These laws, provisions, and judicial decisions have been included in the December 31, 2003 version of the DEIS as an appendix.

The Louis Berger Group analyzed the project alternatives and considered the potential environmental and socioeconomic impacts of the proposed action. The matrices referenced in Section 5.13 were provided to The Louis Berger Group after the environmental and socioeconomic analysis was completed. However, The Louis Berger Group reviewed the matrices and was able to determine that all identified items have been considered in the analysis, with the following exceptions:

- Wetland related laws, provisions and judicial decisions;
- Analysis of long-range electricity needs;
- Vehicle emissions testing; and,
- All Program and Activities that are Not Applicable to Federal Consistency.

If you have any questions or comments, please contact me at (518) 432-9545.

Sincerely,
THE LOUIS BERGER GROUP

Peter J. Byrne
Senior Aviation Planner

Matrix 5-1: Cross-reference of Procedural Framework Laws and Guidance Documents

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency*
Civil and Criminal Enforcement				
TRADITIONAL CIVIL ENFORCEMENT: The Attorney General is responsible for prosecuting and defending suits that are instituted by or against the State and its officers.	IC 4-6-1-6 IC 4-6-2-1 IC 4-6-3-2 IC 13-30-1	The Attorney General has charge of and directs the prosecution of all civil actions brought in the name of the State. In these civil actions, neither the State nor an agency may be required to file a bond. The Attorney General may also bring an action, for declaratory and equitable relief, in the name of the State for the protection of the environment of Indiana.	Office of Attorney General State House, Rm. 219 Indianapolis, IN 46204 (317) 232-6201	
ENVIRONMENTAL CIVIL ACTIONS: The State or a private person may bring an environmental legal action against a person who caused or contributed to the release of a hazardous substance or petroleum in the surface or subsurface soil or groundwater.	IC 13-30-9-2 IC 13-30-9-3	The State or private person must show the release poses a risk to human health and the environment to recover reasonable costs of a removal or remedial action.	An individual suit may be monitored in the circuit or superior court where the suit is filed.	
TRADITIONAL CRIMINAL ENFORCEMENT: Enforcement of crimes, which include felonies and misdemeanors, are generally the responsibility of each county's prosecuting attorney. Crimes are defined in the criminal code or in particular statutes.	IC 35-14-1-14 IC 35-42 through IC 35-46	Criminal provisions are generally categorized as in the criminal code as offenses against: (1) the person; (2) property; (3) public administration; (4) public health, order, and decency; and, (5)	County Prosecutor	

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency*
		miscellaneous offenses. Examples of particular statutes defining crimes include IC 13-30-6-1 and IC 14-22-38.		
Pre-Permit Hearings PRE-PERMIT HEARINGS: Opportunities for public input are made available for activities such as agency permits through hearings.	IC 13-15-3 IC 8-23-2-17 IC 14-11-4 IC 14-21-1-17	Agencies governing permitted activities may have individual standards governing procedures for noticing and conducting public hearings. As an example, statutes are provided which govern a few agencies.	There are numerous of pre-permit hearing mechanisms. These are typically administered through the division within an agency that issues the permits.	
Administrative Adjudication AOPA AGENCIES: The AOPA applies to IDEM, DNR, ISDH, and INDOT. IURC is exempted from AOPA and governed by a separate statute.	IC 4-21.5-2-4	The AOPA governs the review of permits, sanctions, and other orders issued by state agencies.	For IDEM reviews: Office of Environmental Adjudication 150 West Market Indianapolis, IN 46204 For DNR reviews: NRC Division of Hearings 402 W. Washington St., Rm. 272 Indianapolis, IN 46204 For other agencies: Contact the main office of the agency.	

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency*
GENERAL APPLICATION: The AOPA applies to any agency action and provides review from permitting and enforcement decisions of the agencies.	IC 4-21.5-1-4	The substantive law under review provides the standards and criteria. The nature of the review is hearing de novo.	See contacts listed immediately above.	
PERMITTING: The AOPA governs the administrative review of permits, provides for public notification and participation during the permit and permit-renewal process, governs the conduct among parties involved in an AOPA proceeding, and creates minimum procedural rights and imposes minimum procedural duties.	IC 4-21.5-1-11 IC 4-21.5-2-1 IC 4-21.5-3-4 IC 4-21.5-3-5	AOPA applies broad noticing requirements and public participation procedures for agency permitting processes. Notice and participation requirements for permits identified in IC 4-21.5-3-4 are identified in the substantive statutes.	See contacts listed above.	
Permits and permit-renewals that might be of public interest require notice to: (1) the permit applicant; (2) each person to whom another law requires notice to be given; (3) each competitor for a mutually exclusive license; (4) each person who has provided the agency with a written request to be notified of the order, if the request describes the order with reasonable particularity and is delivered to the agency at least seven days before the order is to be issued; (5) each person who has a substantial and direct proprietary interest in the subject of the order; and, (6) each person needed for just adjudication.		The substantive law under review provides the standards and criteria. The burden of proving entitlement to a permit is placed on the applicant.		
ENFORCEMENT: The AOPA governs the review of agency enforcement actions. In some instances, enforcement actions	IC 4-21.5-3-6 and 8	The substantive law under review provides the standards and criteria. The burden of	See contacts listed above.	

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency*
are effective only where the agency establishes the averments of a "complaint." In other instances, the agency delivers the enforcement action directly to the recipient, and the recipient must seek request review of the sanction.		proving the sanction is placed upon the agency.		
EMERGENCY AND TEMPORARY ORDERS: The AOPA governs emergency and temporary orders established by an agency. AOPA emergency and temporary orders may be used where an emergency exists or a statute authorizes its use. An order cannot be effective for more than 90 days unless extended in the context of a full proceeding on the merits.	IC 4-21.5-4	The substantive law under review provides the standards and criteria. The burden of proving an emergency order is improper is placed on the person seeking to set the order aside.	See contacts listed above.	
PROCEDURES: The AOPA outlines a review process including procedures for preparing for and conducting a hearing. Specific procedures to be used for noticing interested parties and procedures used during pre-hearings and hearings are outlined in the statute. The statutory procedures have been supplemented by rule for actions before the Office of Environmental Adjudication and before the NRC Division of Hearings. Final orders following review pursuant to the AOPA are subject to judicial review by a circuit or superior court.	IC 4-21.5-1-15 IC 4-21.5-3-15 through 17 IC 4-21.5-3-25 IC 4-21.5-5 315 IAC 1 (OEA) 312 IAC 3-1 (NRC Hearings)	The substantive law under review provides the standards and criteria. The mechanisms for consideration of those standards and criteria are set forth in the AOPA (and agency rules to assist in the administration of the AOPA).	See contacts listed above.	
ADMINISTRATIVE PRECEDENTS: Each agency is required by AOPA to index	IC 4-21.5-3-27 IC 4-21.5-3-32	Final orders for decisions issued after 1987 are to be indexed by	See contacts listed above.	

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency*
and make all written final orders available to the public.		name and subject. Only final orders properly indexed and made available to the public may be relied upon by the agency as precedents. OEA and NRC Hearings are also required to specifically address, in any final decision, the precedents cited by parties as being applicable to a case.		
IURC: The IURC serves as an impartial fact-finding body for all controversial proceedings within its jurisdiction. The Utility Consumer Counselor may appear for ratepayers, consumers, and the public in these proceedings. Based upon the evidence received during the hearing process, an administrative law judge makes recommendations to the IURC for final disposition. Decisions of the IURC are subject to review by the Court of Appeals of Indiana.	IC 8-1-1 IC 8-1-1.5 170 IAC 1	The substantive law under review provides the standards and criteria. The mechanisms for review are set forth in IC 8-1 and supplemented by rule at 170 IAC 1.	Utility Regulatory Commission 302 W. Washington St., Rm. E306 Indianapolis, IN 46204 Office of Utility Consumer Counselor 100 North Senate Ave., Rm. 501 Indianapolis, IN 46204	
Informal Dispute Resolution CIVIL: For civil actions the Indiana Supreme Court recognizes several alternative dispute resolution methods.	Alternative Dispute Resolution Rules 1.1, 2, and 3	A variety of methods are recognized and standards and procedures are set for many of the methods including mediation and arbitration.	Indiana Supreme Court 313 State House Indianapolis, IN 46204	
ADMINISTRATIVE: The ultimate authority of an agency is authorized to approve mediation as a means for dispute	Ind. P.L. 16-1996 IC 4-21.5-3.5	Standards and procedures are set by statute and an agency may adopt rules to help implement	See addresses for OEA and NRC Hearings above (or the main	

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency*
resolution of AOPA proceedings within the agency's jurisdiction. Rules		mediation in the administrative context.	office of another agency)	
APPLICATION: A rule is a state agency statement, designed to have the effect of law, that implements, interprets, or prescribes either a law or policy or the organization, procedure, or practice requirements of the agency	IC 4-22-2-3	The process of formulating or adopting a rule must comply with IC 4-22-2. An agency action subject to administrative adjudication is excluded from rule making.	The agency authorized by statute to adopt rules to for its administration.	
DRAFTING: Public participation is solicited in rulemaking actions.	IC 4-22-2	(1) An agency must publish a public notice of intent in the INDIANA REGISTER at least 30 days before publishing a proposed rule, and solicit comments. (2) The proposed rule must be published in the INDIANA REGISTER. Additional public notice opportunities may be established by other statutes.	See immediately above.	
PUBLIC REVIEW: Opportunities are provided for public comment during the rulemaking process.	IC 4-22-2-23(d) IC 4-22-2-24 IC 4-22-2-26 IC 4-22-2-27	(1) When a proposed rule is published in the INDIANA REGISTER it must be accompanied by at least one public hearing. (2) The agency must allow any person attending the hearing an adequate opportunity to comment on the proposed rule. (3) The agency must prepare a written response that contains summary of the comments received during the rulemaking process. (4) The	See immediately above. Indiana Economic Development Council, Inc. One North Capitol Avenue Indianapolis, IN 46204	

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency*
		Indiana Economic Development Council may review and comment on any proposed rule and suggest alternatives to reduce the regulatory burden the proposed rule will impose on businesses. (5) The Legislative Services Agency must prepare a fiscal analysis concerning the effect compliance with the proposed rule will have on the State and the entities to be regulated by the rule.		
FINAL ADOPTION: After the public review process, an agency may adopt a rule.	IC 4-22-2-22 IC 4-22-2-31 IC 4-22-2-32 IC 4-22-2-34 through 36	A rule adopted by an agency is submitted to the Attorney General for approval as to legality. The Attorney General has 45 days to complete the review process. The rule is forwarded to the Governor for review. The review period is 15 days. When the rule is approved, or the review period lapses without action, the rule is filed with the Secretary of State. After 30 days, the rule is effective.	Indiana Attorney General 219 State House Indianapolis, IN 46204 Governor of Indiana 206 State House Indianapolis, IN 46204	
EMERGENCY OR TEMPORARY RULES: Several agencies have authority to adopt emergency rules.	IC 4-22-2-37.1	An emergency rule is generally effective when filed by the agency with the Secretary of State. Emergency rules are	See immediately above.	

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency*
		typically only effective for 90 days.		
Nonrule Policy Documents NONRULE POLICY DOCUMENTS: Written statements developed by agencies, not formulated and adopted as a rule, are submitted for publication in the INDIANA REGISTER.	IC 4-22-7-7(a)	There are two categories of nonrule policy documents. (1) A statement that (A) interprets, supplements, or implements a statute or rule; (B) has not been adopted as a rule; (C) is not intended by the agency to have the effect of law; and, (D) may be used in conducting the agency's external affairs. (2) A statement specifying a policy the agency relies upon to: (A) enforce a statute or rule; (B) conduct an audit or investigation to determine compliance with a statute or rule; (c) impose a sanction for violation of a statute or rule. Included within these categories are information bulletins and other agency guidelines. Each agency that adopts a nonrule policy document is required to maintain a list of those used for its external affairs.	The agency adopting the nonrule policy document	
Ordinances ADOPTION AND IMPLEMENTATION OF LOCAL ORDINANCES: Local ordinances are governed by the "home rule" statutes.	IC 36-1	(1) Local governments do not have the power to regulate conduct that is regulated by a	The local unit of government adopting the ordinance.	

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency*
Counties, municipalities, and townships are granted all the powers they need for the effective governing of local affairs.		state agency unless granted by statute. (2) Joint state and local regulation may be structured by state law. (3) When a state law and a local ordinance govern the same activity, the ordinance yields to state law.		
Public Access to Agency Records and Meetings AGENCY RECORDS: All persons are entitled to complete information regarding the affairs of the government and the official acts of those who represent them as public officials.	IC 5-14-3	Generally, a person may inspect and copy the public records of any public agency during the regular business hours of the agency. The burden of proof for the nondisclosure of public records is placed on the agency that denies access to the record. Limited discretion to protect some internally generated documents is provided to the agency.	The state agency in possession of the public record	
AGENCY MEETINGS: The "Open Door Law" governs public access to agency meetings.	IC 5-14-1.5	Official actions of public agencies must be conducted openly unless expressly provided by statute. Members of the public are permitted to observe and record the meetings. Secret ballot votes are prohibited. Public notice of any meeting must be provided at least 48 hours in advance.	The state agency conducting the meeting	

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency*
<p>Other Environmental Review Procedures</p> <p>IEPA: The State is directed to improve and coordinate state plans, functions, programs, and resources.</p>	IC 13-12-4	<p>All state agencies must: (1) "Use a systematic, interdisciplinary approach that will ensure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making that may have an impact on the environment." (2) "Identify and develop methods and procedures that will ensure that unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations." (3) Include in every recommendation or report on proposals for legislation and other major state actions significantly affecting the quality of the human environment a detailed statement of (A) the environmental impact of the proposal; (B) any adverse impacts that cannot be avoided if the proposal is implemented; (C) alternatives to the proposed action; (D) the relationship between local short-term uses of the environment and the maintenance and enhancement</p>	The state agency administering a program	

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency*
		<p>of long-term productivity; and, (D) any irrevocable and irretrievable commitments of resources that would be involved if the proposed action should be implemented. (4) Articulate appropriate alternatives to recommend courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources. (5) Recognize the long-range character of environmental problems and, where consistent with state policy, "lend appropriate support to initiatives, resolutions, and programs designed to maximize state cooperation in anticipating and preventing a decline in the quality of the environment." (6) "Make available to counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of the environment." (7) "Initiate and use ecological information in the planning and development of resource oriented projects."</p>		
ENVIRONMENTAL CITIZEN SUIT ACT: A person may seek relief in the name of the	IC 13-30-1	The claimant must provide notice of intent to IDEM, DNR,	IDEM 100 North Senate Ave.,	

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency*
State of Indiana against anyone to protect the environment from significant pollution, impairment, or destruction.		and the Attorney General. The action may be pursued within 90 days if an agency does not take up the issue.	Rm. N1301 Indianapolis, IN 46204 DNR 402 W. Washington St., Rm. W256 Indianapolis, IN 46204 Indiana Attorney General 219 State House Indianapolis, IN 46204	

*Federal consistency is sought for substantive laws. Because this section is directed to procedural rather than substantive laws, reference is not made here to federal consistency. A substantive law being applied or considered in the context of these procedures may, however, warrant application of principles of federal consistency.

Matrix 5-2: Cross-reference of Coastal Hazards Laws and Guidance Documents

Program or Activity	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
Delineating the Physical Boundaries of Navigable Waters				
IDENTIFYING NAVIGABLE WATERWAYS AND DELINEATING ORDINARY HIGH WATERMARK: A civil court or an agency with jurisdiction over navigable waterways (such as the ACOE, FERC, or NRC) generally identifies waterways as navigable. An ordinary high watermark provides a physical boundary within which the State is authorized to manage activities in and along navigable waterways.	State v. Kivett 312 IAC 1-1-24 312 IAC 1-1-26	Navigable Waterways: An Indiana river or lake which was capable of commercial navigation in 1816 is today legally navigable. What was then navigable in fact is now navigable in law. Ordinary High Water mark: (1) Established by the fluctuations of water; and (2) indicated by physical characteristics such as the following: (A) A clear and natural line impressed on the bank. (B) Shelving. (C) Changes in the character of the soil. (D) The destruction of terrestrial vegetation. (E) The presence of litter or debris.	NRC, Division of Hearings 402 W. Washington St., Rm. W272 Indianapolis, IN 46204 (317) 232-4699	Not applicable.
Construction Along the Lake Michigan Coast and Other Navigable Waters				
NAVIGABLE WATERWAYS PERMIT PROGRAM: ¹ A permit is required for	IC 14-29-1	(1) Whether the activity would unreasonably impair the navigability of	DNR, Division of Water	IC 14-29-1

¹ Additional information regarding the navigable waterways permit program, and the opportunity for electronic permit application filing can be accessed at <http://www.state.in.us/dnr/water>.

Program or Activity	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
activities that place, fill, or erect a permanent structure in a navigable waterway; or remove water or material from a navigable waterway.	312 IAC 6 Roster of Indiana Waterways Declared Navigable DNR APPLICATION ASSISTANCE MANUAL (1996)	the waterway; (2) cause significant harm to the environment; or, (3) pose an unreasonable hazard to life or property. In addition, impact of the activity on the "public trust doctrine," and the likely affect the activity will have on others must be considered. A navigable waterway permit is not required if a permit for the same project has been obtain under IC 14-21-1, IC 14-28-1, IC 14-29-3, IC 14-29-4, IC 14-34, or IC 14-37 and the requirements of the Navigable Waterways Act have been applied in the project review.	402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	312 IAC 6
EXTRACTION OF SAND AND GRAVEL FROM A NAVIGABLE WATERWAY: This activity is separately addressed under the Navigable Waterways Act and requires a permit to undertake this activity. In addition, a royalty fee may be assessed for materials dredged from Lake Michigan.	IC 14-29-3 312 IAC 6-5-8(b)	(1) Whether or not the project will impede navigation; (2) whether or not the project will damage or endanger a bridge, highway, railroad, public work, utility, or the property of a riparian owner or adjoining proprietor or adjacent permittee; and, (3) whether or not the project will endanger human lives. A project subject to permit under this statute does not require a separate permit under the Navigable Waterways Act (IC 14-29-1) provided the Navigable Waterways Act evaluation criteria are applied as well.	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-29-3 312 IAC 6-5

Program or Activity	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
CREATION OF A CONNECTING CHANNEL: A channel connected to a navigable waterway must be dedicated to public use.	IC 14-29-4	<p>(1) Whether or not the project will constitute an unreasonable hazard to life and property; (2) whether or not the project will result in undue effects upon the water level; (3) whether or not the project will result in undue effects upon fish and wildlife resources; and, (4) whether or not the project will adversely affect public health, safety, and welfare.</p> <p>Prior approval for sewage disposal facilities involved with the channel must be obtained from IDEM.</p> <p>A project subject to permit under this statute does not require a separate permit under the Navigable Waterways Act (IC 14-29-1) provided the Navigable Waterways Act evaluation criteria are applied as well.</p> <p>There are no exemptions for channels under this statute.</p>	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-29-4
SECTION 401 WATER QUALITY CERTIFICATION PROGRAM: Certification is required for an activity that may result in any discharge into navigable waters. Activities are reviewed for consistency with state water quality standards. The certification is required before permits sought under Section 404 of the Clean	33 USC 1341 IC 13-18-4-5 IC 13-13-5-1 327 IAC 2-1.5-5-4	Standards in the water quality rules are applied to the water quality certification program.	IDEM, Office of Water Management 100 N. Senate Ave. Box 6015 Indianapolis, IN 46206-6015 (317) 233-8488	Section 401 water quality certification

Program or Activity	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
Water Act and Section 10 of the Rivers and Harbors Act of 1899 are approved. See also section titled Natural Areas, Fisheries, Wildlife, and Native and Exotic Species.				
SAND NOURISHMENT FUND: Authorization for appropriation and use of funding dedicated by the legislature to protect and increase sand along the Indiana Lake Michigan coast.	IC 14-25-12	Funding can be used for (1) the deposit of sand along the coast of Lake Michigan in Indiana; (2) the design and establishment of systems that cause sand to be deposited along the coast of Lake Michigan in Indiana; and, (3) the prevention or reduction of the degradation of sand along the coast of Lake Michigan in Indiana. The Sand Nourishment Fund currently has no regular source of revenue.	Local state legislator.	Not applicable.
TECHNICAL ASSISTANCE FOR COASTAL CONSTRUCTION: Assistance is available from the DNR, Division of Water, for technical consultation on shoreline dynamics including lake levels, erosion, lake currents, and the impact of construction along the coast.	312 IAC 6-1-1(f)	Conditions evaluated include how a construction activity is likely to contribute to accretion and erosion to the properties at or near the proposed activity, as well as the impact to the public trust doctrine.	DNR, Division of Water Lake Michigan Specialist 100 W. Water St. Michigan City, IN 46360 (219) 874-8316	Not applicable.

Matrix 5-3: Cross-reference of Water Quality Laws and Guidance Documents

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
Regulation of Processes, Systems or Practices with the Potential to Result in Water Quality Degradation				
WATER QUALITY STANDARDS: Specific standards indicating water quality are determined through rule adoption by the Water Pollution Control Board.	IC 13-18-3 IC 13-18-4 327 IAC 2-1.5	All waters in the Great Lakes basin must at a minimum be free from substances, materials, floating debris, oil, or scum attributable to municipal, industrial, agricultural, and other land use practices, or other discharges that: (1) will settle to form objectionable deposits; (2) are in amounts to be unsightly; (3) produce color, visible oil sheen, odor, or other conditions to the degree of being a nuisance; (4) are in concentration that will contribute to the growth of algae or aquatic plants to a degree of being a nuisance; and, (5) are in amounts that are toxic to or may kill aquatic life, other animals, or humans.	IDEM, Office of Water Management 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46204 (317) 233-2472 1-800-451-6027	IC 13-18-3 IC 13-18-4 327 IAC 2-1.5

<p>WASTEWATER PERMIT PROGRAM (NPDES PERMIT PROGRAM):¹ Regulates point source discharges into waters of the United States. Includes permitting of activities associated with publicly owned treatment works, industrial wastewater treatment facilities, concentrated animal feeding and aquaculture operations, combined sewer overflows, and industrial wastewater pretreatment facilities. General permits are administered for discharges involved in other industrial processes such as cooling water, petroleum products, hydrostatic testing of commercial pipelines, sand and gravel operations, stormwater associated with construction activities, stormwater associated with industrial activities.</p>	<p>IC 13-15 IC 13-18-19 327 IAC 3 327 IAC 4 327 IAC 5 327 IAC 8 327 IAC 15 CSO STRATEGY²</p>	<p>Effluent limitations are permit conditions established by the IDEM on quantities, discharge rates, and concentrations of pollutants in water that is discharged, or will be discharged, from a point source into the "waters of the state" of Indiana. They represent the minimum effluent quality or quantity which must be achieved prior to discharge of the treated wastewater into the waters of the state. The NPDES permits issued by IDEM contain effluent limits which can be water quality-based or technology-based. The effluent limits in each individual NPDES permit are based on the most stringent of these two approaches</p>	<p>IDEM, Office of Water Management 100 N. Senate Ave. Box 6015 Indianapolis, IN 46206 (317) 232-8760 1-800-451-6027</p>	<p>IC 13-15 IC 13-18-19 327 IAC 3 327 IAC 4 327 IAC 5 327 IAC 8 327 IAC 15</p>
<p>WASTEWATER OPERATOR ASSISTANCE TRAINING: Includes technical assistance, certification, and continuing education programs for wastewater treatment operators.</p>	<p>IC 13-18-11</p>	<p>IDEM issues certificates attesting to the competency of operators. A certificate must indicate the classification of works, plant, or system that the operator is qualified to supervise. Each operator shall display the operator's certificate in the office of the operator.</p>	<p>IDEM, Office of Water Management 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 232-8793</p>	<p>Not applicable.</p>
<p>WASTEWATER FACILITY CONSTRUCTION PERMIT PROGRAM: Regulates the</p>	<p>IC 13-18-12</p>	<p>Application is evaluated based on technical specifications of</p>	<p>IDEM, Office of Water Management</p>	<p>IC 13-18-12</p>

¹Complete information regarding the Wastewater Permit Program, including application instructions, can be found at <http://www.state.in.us/idem/owm/facmang/guide/index.html>.

² The CSO Strategy can be accessed at <http://www.state.in.us/idem/owm/facmang/wwwet/csoindex.html>.

construction of industrial and municipal wastewater facilities and industrial pretreatment facilities. This program also regulates sewer construction.	327 IAC 3 RECOMMENDED STANDARDS FOR WASTEWATER FACILITIES ³	construction plans and effectiveness of proposed treatment technology. Construction permits are not needed for: (1) storm sewers transporting only surface run off ; (2) single-family dwelling connections to existing sanitary sewers; (3) certain multi-unit buildings; (4) approved septic absorption field systems of less than 4000 gallons capacity; and, (5) confined feeding operations for animal production.	100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 232-8760 1-800-451-6027	327 IAC 3
SECTION 401 WATER QUALITY CERTIFICATION PROGRAM: Certification is required for an activity that may result in any discharge into navigable waters. Activities are reviewed for consistency with state water quality standards. The certification is required before permits sought under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 are approved. See also section titled Natural Areas, Fisheries, Wildlife, and Native and Exotic Species.	33 USC 1341 IC 13-18-4-5 IC 13-13-5-1 327 IAC 2-1.5-5-4	Standards in the water quality rules are applied to the water quality certification program.	IDEM, Office of Water Management 100 N. Senate Ave. Box 6015 Indianapolis, IN 46206 (317) 233-8488 1-800-451-6027	Section 401 water quality certification
WASTEWATER REVOLVING LOAN PROGRAM: Offers low-interest loans to qualified communities for planning, design, and construction of publicly owned wastewater treatment facilities.	IC 13-18-13 327 IAC 13	IDEM uses a priority ranking system to recommend loans or other financial assistance from the fund. IDEM shall develop the priority ranking system to achieve optimum water quality consistent with the water quality	IDEM, Office of Water Management 100 N. Senate Ave. Box 6015 Indianapolis, IN 46206 (317) 232-8655 1-800-451-6027	Not applicable.

³ Great Lakes - Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, RECOMMENDED STANDARDS FOR WASTEWATER FACILITIES (1997). This manual is commonly referred to as "The Ten-State Standards."

BATHING BEACH MONITORING: Local county health departments collect and analyze water from bathing beaches weekly for <i>E. coli</i> and fecal coliform during the swimming season. Swimming in the water at bathing beaches can be restricted when water quality does not meet standards set by rule. Indiana also participates in the Beaches Environmental Assessment and Coastal Act of 2000 (BEACH).	327 IAC 2-1.5-8(e) 17 TH EDITION OF STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATER AMBIENT WATER QUALITY CRITERIA FOR BACTERIA 1986 (EPA 440/5-84-002)	goals of the State and the federal Clean Water Act. Full body contact may be restricted if water contains more than 235 <i>E. coli</i> per 100 milliliters of water. BEACH Act of 2000 requires states to establish water quality criteria for coastal recreational waters for specific pathogens and pathogen indicators. In addition, states are required to establish a monitoring and notification program for coastal recreational waters based on standards developed by the EPA. Funds may be used for the construction or renovation of boat sewage pumpout facilities.	Indiana State Department of Health 2 North Meridian St. Indianapolis, IN 46204 (317) 233-1325 IDEM, Office of Water Management 100 North Senate Ave. Box 6015 Indianapolis, IN 46206 (317) 233-6801	Not applicable.
CLEAN VESSEL ACT PUMPOUT PROGRAM: Funding available under the federal Clean Vessel Act to public and private marinas.	33 U.S.C. 1322		IDEM, Office of Water Management 100 N. Senate Ave. Box 6015 Indianapolis, IN 46206 (317) 233-6801 1-800-451-6027	Not applicable.
MARINA PUMPOUTS: Requires marinas to have an approved wastewater treatment facility or on-site disposal system. Prerequisite for construction permit programs when new marina construction is involved.	IC 14-15-2-7 312 IAC 6-4 327 IAC 3-2 327 IAC 5 410 IAC 6-10	A marina is defined by rule as a permanent structure that can service at least five boats at a time and provides, for a fee, engine fuel, docks, boat repair, or boat sales or rental. No new marina construction is permitted by DNR unless the marina operator obtains a permit from IDEM for construction and operation of a wastewater	DNR, Division of Water 402 W. Washington St., Rm. W 264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-15-2-7 312 IAC 6-4 327 IAC 3-2 327 IAC 5 410 IAC 6-10

<p>REMEDIAL ACTION PLAN FOR THE GRAND CALUMET RIVER, INDIANA HARBOR AND SHIP CANAL, AND NEAR SHORE LAKE MICHIGAN: Plan developed to improve and eliminate environmental threats and damages in this area of northwest Indiana.</p>	<p>THE INDIANA HARBOR & CANAL, THE GRAND CALUMET RIVER AND THE NEARSHORE LAKE MICHIGAN STAGE ONE REMEDIAL ACTION PLAN</p> <p>THE REMEDIAL ACTION PLAN GRAND CALUMET RIVER STAGE II REPORT</p> <p>THE REMEDIAL ACTION PLAN STAGE II INTERNATIONAL JOINT COMMISSION SUBMITTAL DOCUMENT</p> <p>THE REMEDIAL ACTION PLAN STAGE II.V WORKING DOCUMENTS</p>	<p>treatment facility or an NPDES permit, or a permit from ISDH for construction of a commercial on-site wastewater disposal facility.</p> <p>State rules prohibit boats with water closets or toilets, without proper holding tanks, on public waters.</p>	<p>IDEM 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 232-8755</p>	<p>Not applicable.</p>
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LAKE MICHIGAN LAKEWIDE MANAGEMENT PLAN (LAMP): ⁴ Proposes actions to improve the water quality in Lake Michigan. Focus is on reducing “critical pollutants” to restore beneficial uses of the lake.	Great Lakes Water Quality Agreement 1990 Great Lakes Critical Programs Act		IDEM, Northwest Regional Office 504 Broadway, Suite 418 Gary, Indiana 46402 219-881-6712 1-888-209-8892	Not applicable.
Public Water Supplies DRINKING WATER PERMIT PROGRAM: ⁵ Ensures the public will have a safe and adequate drinking water supply and that the construction and operation of public water systems will not affect the environment. Regulates the design and construction of public water system facilities such as water main extensions, water wells, water pumping stations, water storage tanks, chemical additions, and treatment facilities.	IC 13-15 IC 13-18-16 327 IAC 2 327 IAC 3.2 327 IAC 3.5	Plans and specifications must be satisfactory with respect to: (1) sanitary quality, including chlorination if required; (2) chemical quality; and, (3) adequacy of water supply	IDEM, Office of Water Management 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 308-3300 1-800-451-6027	IC 13-15 IC 13-18-16 327 IAC 2 327 IAC 3.2 327 IAC 3.5
DRINKING WATER QUALITY STANDARDS: Drinking water standards are coordinated with the federal Safe Drinking Water Act and, at the state level, are set by rule.	327 IAC 8-2	The rule establishes maximum contaminant levels for inorganic chemicals, organic chemicals other than volatile compounds, and volatile compounds. The rule also sets analytical methods.	IDEM, Office of Water Management 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 308-3300 1-800-451-6027	327 IAC 8-2
WELLHEAD PROTECTION PROGRAM: Protects drinking water by managing potential contaminants overlying ground water sources. Activities required to develop a local Wellhead Protection Program are outlined.	327 IAC 8-4.1 WELLHEAD PROTECTION PROGRAM DOCUMENT ⁶	Public water supply systems with at least 15 service connections, or who supply water to at least 25 persons on a continual basis must develop a wellhead protection program.	IDEM, Office of Water Management 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 308-3326 1-800-451-6027	Not applicable.

⁴ The LaMP can be viewed at <http://www.epa.gov/grlakes/lakemich/lampf.html>

⁵ More information on types of permits and application instructions can be viewed at <http://www.state.in.us/idem/owm/dwb/index.html>.

⁶ The Wellhead Protection Document can be viewed at <http://www.state.in.us/idem/owm/dwb/Wellhead/wlhp/index2.html>.

DRINKING WATER REVOLVING LOAN PROGRAM: Offers low-interest loans to political subdivisions for the planning, design, construction, renovation, improvement, or expansion of public water supply systems to encourage compliance with Safe Drinking Water Act standards.	IC 13-18-21	IDEM uses a priority ranking system to recommend loans or other financial assistance from the fund. The priority ranking system is consistent with federal primary drinking water regulations and health protection objectives of the federal Safe Drinking Water Act.	IDEM, Office of Water Management 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 232-8655 1-800-451-6027	Not applicable.
FISH CONSUMPTION ADVISORY: Annually compiled by ISDH, IDEM, and DNR using recent fish monitoring data to develop guidelines for safe levels of fish consumption based on levels of polychlorinated biphenols (PCBs) and mercury found in fish tissues.	INDIANA FISH CONSUMPTION ADVISORY (1998) ⁷	Criteria from the Great Lakes Task Force risk-based approach are used to place fish on the consumption advisory list.	ISDH, Environmental Epidemiology Section 2 N. Meridian St., 3 rd Flr. Indianapolis, IN 46204 (317) 233-7808	Not applicable.
Nonpoint and Other Diffuse Sources of Water Pollution				
GENERAL AUTHORITY OVER WATER QUALITY IMPAIRMENT: IDEM has broad-based authority over impairments to water quality, regardless of the nature of the source. The authority ordinarily originates with the Water Pollution Control Board.	IC 13-18-3-1 IC 13-18-4-5	A person must not drain, cause, or allow any organic or inorganic matter that causes or contributes to a polluted condition to enter any waters. The Water Pollution Control Board is empowered to adopt rules for the control and prevention of pollution in waters of Indiana with any substance that is deleterious to public health or the pursuit of any lawful occupation or that may harm a plant or animal.	IDEM, Office of Water Management 100 N. Senate Ave. Box 6015 Indianapolis, IN 46206 (317) 232-8760 1-800-451-6027	IC 13-18-4-2
SECTION 401 WATER QUALITY CERTIFICATION PROGRAM: Certification	33 USC 1341	Standards in the water quality rules are applied to the water	IDEM, Office of Water Management	Section 401 water quality

⁷ The Indiana Fish Consumption Advisory can be viewed at http://www.state.in.us/isdh/dataandstats/fish/fish_adv_index.htm.

<i>Program or Activity</i>	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
LAKE PERMIT PROGRAM: Provides protection for water levels and quantity of public freshwater lakes. Activities regulated include: (1) Changing the water level of a public freshwater lake by excavating, filling in, or otherwise causing a change in its area, depth, or contour. (2) Altering a ditch or drain within ½ mile of, a lake containing at least ten acres. (3) Lowering a lake containing at least 20 acres more than a foot below its elevation as established by a dam or other control structure. (4) Establishing a ditch or drain with a bottom depth lower than the level of a freshwater lake, and located within ½ mile of the lake. (5) Stabilizing, raising, or maintaining the level of a lake.	IC 14-26-2 IC 14-26-5 IC 14-26-6 IC 14-26-7 IC 14-26-8 312 IAC 11 Wetlands Within Public Freshwater Lakes Nonrule Policy Document ² SHORELINE PROTECTION GUIDE	DNR staff assess singular and cumulative impacts on the lake and its resources using the criteria outlined in IC 14-26-2 involving natural resources, natural scenic beauty, and recreational purpose. The criteria evaluated during a project's assessment include: (1) whether or not the project will result in a taking of the lake; (2) whether or not the project will result in significant environmental harm to the lake; and, (3) whether or not the project will adversely impact navigation.	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-26 312 IAC 11
Lake Michigan, Wolf Lake, and Lake George in Hammond are exempted.				
Conservancy Districts				
CONSERVANCY DISTRICTS: Special taxing unit formed by interested landowners for the purpose of: (1) flood prevention and control; (2) improving drainage; (3) providing for irrigation; (4) providing water supply; or, (5) storage of	IC 14-33	A district may be formed if the circuit court finds the proposed district: (1) appears necessary; (2) holds promise of economic and engineering feasibility; (3) seems to offer benefits in excess of costs	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160	Not applicable.

² Information Bulletin 10, Natural Resources Commission, 19 IND. REG. 940 (January 1, 1996).

<i>Program or Activity</i>	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
<p>water for augmentation of stream flow.</p> <p>Technical assistance is provided by the DNR, Division of Water.</p>		<p>and damages for a purpose other than water supply, storage of water for augmentation of stream flow, or sewage disposal; (4) serves the public health immediately or prospectively for the purposes of water supply, sewage disposal, or storage of water for augmentation of stream flow; (5) propose to cover and serve a proper area; and, (6) could be established and operated in a manner compatible with established conservancy districts, flood control projects, reservoirs, lakes, drains, levees, and other water management or water supply projects.</p>	1-877-928-3755	

Matrix 5-5: Cross-reference of Natural Areas, Fisheries, Wildlife, and Native and Exotic Species Laws and Guidance Documents

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
Filling Dredging, and Alteration of Wetlands and Special Aquatic Sites				
SECTION 401 WATER QUALITY CERTIFICATION PROGRAM: Certification is required for an activity that may result in any discharge into navigable waters. Activities are reviewed for consistency with state water quality standards. The certification is required before permits sought under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 are approved.	33 USC 1341 IC 13-18-4-5 IC 13-13-5-1 327 IAC 2-1.5-5-4 Wetlands and Habitat Mitigation Nonrule Policy Interagency Coordination Agreement on Wetland Mitigation Banking within the State of Indiana ¹	Standards in the water quality rules are applied to the water quality certification program.	IDEM, Office of Water Management 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 233-8488 1-800-451-6027	Section 401 water quality certification
RULE 5: Authorizes general permit for construction activities disturbing five or	327 IAC 15-5	Detailed criteria and conditions are contained in the rule.	IDEM, Office of Water Management	327 IAC 15-5

¹ This agreement between the Louisville Army Corps, Detroit Army Corps, NRCS, EPA, USFWS, and DNR can be read at <http://www.lrl.usace.army.mil/orf/info/ICA1097.html>.

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
more acres of land. Goal is to reduce pollutants, principally sediment as a result of soil erosion, in storm water discharges into surface waters of the state.			100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 233-6725 1-800-451-6027 Local SWCD DNR, Division of Soil Conservation 402 W. Washington St., Rm. W265 Indianapolis, IN 46204 (317) 233-3870	
CONSTRUCTION IN A FLOODWAY PERMIT PROGRAM: ² Flood control works, structures, and the alteration of waterways are to be designed according to sound engineering practices to minimize flooding. A DNR permit is required before these types of activities are undertaken.	IC 14-28-1 310 IAC 6-1 Wetland Conservation Guidelines Wetlands and Habitat Mitigation Nonrule Policy Memo of Understanding for Determining Wetland or Habitat	(1) Impact of the activity on the capacity of the floodway; (2) hazard to the safety of life or property; and (3) the cumulative effects of a project or projects upon the floodway. If a project subject to permit under the Flood Control Act is also located within a navigable waterway, it does not require a separate permit under the Navigable Waterways Act provided the Navigable Waterways Act evaluation	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755 North Region Environmental Biologist RR 6, Box 334 Peru, IN 46970 (765) 472-7981	IC 14-28-1 310 IAC 6-1

² Additional information regarding the construction in a floodway permit program and the opportunity for electronic permit application filing can be accessed at <http://www.state.in.us/dnr/water>.

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
	Compensatory Mitigation ³ Interagency Coordination Agreement on Wetland Mitigation Banking within the State of Indiana ⁴ DNR APPLICATION ASSISTANCE MANUAL (1996) INDIANA DRAINAGE HANDBOOK: AN ADMINISTRATIVE AND TECHNICAL GUIDE FOR ACTIVITIES WITHIN INDIANA'S DRAINAGEWAYS (1996)	criteria are applied as well.		
NAVIGABLE WATERWAYS PERMIT PROGRAM. ⁵ A permit is required for activities that place, fill, or erect a permanent structure in a navigable waterway; or remove water or material from a navigable waterway.	IC 14-29-1 312 IAC 1-1-26 312 IAC 6 Roster of Indiana	(1) Whether the activity would unreasonably impair the navigability of the waterway; (2) cause significant harm to the environment; or, (3) pose an unreasonable hazard to life or	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160	IC 14-29-1 312 IAC 6

³ This MOU is between DNR, DOT, and the US Fish and Wildlife Service. Additional information about the MOU can be read at <http://www.ai.org/nrc/wetlands.htm>.

⁴ This agreement between the Louisville Army Corps, Detroit Army Corps, NRCs, EPA, USFWS, and DNR can be read at <http://www.lrl.usace.army.mil/orf/info/JCA1097.html>.

⁵ Additional information regarding the navigable waterways permit program, and the opportunity for electronic permit application filing can be accessed at <http://www.state.in.us/dnr/water>.

⁶ This MOU is between DNR, DOT, and the US Fish and Wildlife Service. Additional information about the MOU can be read at <http://www.ai.org/nrc/wetlands.htm>.

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
	<p>Waterways Declared Navigable</p> <p>Wetland Conservation Guidelines</p> <p>Wetlands and Habitat Mitigation Nonrule Policy</p> <p>Memo of Understanding for Determining Wetland or Habitat Compensatory Mitigation⁶</p> <p>Interagency Coordination Agreement on Wetland Mitigation Banking within the State of Indiana⁷</p> <p>DNR APPLICATION ASSISTANCE MANUAL (1996)</p>	<p>property. In addition, impact of the activity on the "public trust doctrine," and the likely affect the activity will have on others must be considered.</p> <p>A navigable waterway permit is not required if a permit for the same project has been obtain under IC 14-21-1, IC 14-28-1, IC 14-29-3, IC 14-29-4, IC 14-34, or IC 14-37 and the requirements of the Navigable Waterways Act have been applied in the project review.</p>	1-877-928-3755	
LAKE PERMIT PROGRAM: Provides protection for water levels and quantity of public freshwater lakes, Activities	<p>IC 14-26-2</p> <p>IC 14-26-5</p> <p>IC 14-26-6</p>	<p>DNR staff assesses singular and cumulative impact on the lake and its resources using the</p>	<p>DNR, Division of Water 402 W. Washington St.,</p>	<p>IC 14-26-2</p> <p>IC 14-26-5</p> <p>IC 14-26-6</p>

⁷ This agreement between the Louisville Army Corps, Detroit Army Corps, NRCS, EPA, USFWS, and DNR can be read at <http://www.lrl.usace.army.mil/orf/info/ICA1097.html>.

⁸ The document was published in the INDIANA REGISTER, Volume 19, Number 4, (19 IR 940) on January 1, 1996.

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
regulated include: (1) Changing the water level of a public freshwater lake by excavating, filling in, or otherwise causing a change in its area, depth, or contour. (2) Altering a ditch or drain with a level lower than, and located within ½ mile of, a lake containing at least ten acres. (3) Lowering a lake containing at least 20 acres more than a foot below its elevation as established by a dam or other control structure. (4) Establishing a ditch or drain with a bottom depth lower than the level of a freshwater lake, and located within ½ mile of the lake. (5) Stabilizing, raising, or maintaining the level of a lake.	IC 14-26-7 IC 14-26-8 312 IAC 11 Wetlands Within Public Freshwater Lakes ⁸ Wetland Conservation Guidelines Wetlands and Habitat Mitigation Nonrule Policy SHORELINE PROTECTION GUIDE (For inland lakes.)	criteria outlined in the statute involving natural resources, natural scenic beauty, and recreational purpose. The criteria evaluated during a project's assessment include (1) whether or not the project will result in a taking of the lake; (2) whether or not the project will result in significant environmental harm to the lake; and (3) whether or not the project will adversely impact navigation.	Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-26-7 IC 14-26-8 312 IAC 11
Lake Michigan, Wolf Lake, and Lake George in Hammond are exempted. OBSTRUCTION OF FISH MOVEMENT: An obstruction, other than a dam, cannot be placed on a waterway that prevents the movement of fish.	IC 14-22-9-9	A dam on a stream with a watershed of at least 50 square miles may be required to maintain a "sufficient head of water above the dam to support fish life" and to incorporate an adequate fish ladder.	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-22-9-9
WETLAND RESTORATION GENERAL PERMIT: Wetland restoration measures undertaken in a floodway in cooperation with the DNR, US Fish and Wildlife Service, or the US Natural Resource Conservation Service, and meet conditions set by rule, are exempted from	310 IAC 6-1-15	To qualify for the general permit, the design, construction, and maintenance of the measure must not, considering its individual and cumulative effects: (1) adversely affect the efficiency of, or unduly restrict	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	310 IAC 6-1-15

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
the Flood Control Act.		the capacity of, the floodway; (2) constitute an unreasonable hazard to the safety of life or property; (3) result in unreasonable detrimental effects upon fish, wildlife, or botanical resources; (4) obstruct more than five percent (5%) of the cross section of the flood plain during a regulatory flood; or, (5) remove more than one-half (1/2) acre of forest.		
WETLAND MITIGATION BANKING: Designation of suitable properties that can serve to mitigate unavoidable wetland impacts due to excavating, filling, flooding, and draining "waters of the United States."	Interagency Coordination Agreement on Wetland Mitigation Banking within the State of Indiana IC 13-18 IC 14-28-1 IC 14-29-1 IC 13-13 IC 13-14 IC 14-26-2 IC 14-26-5 IC 14-22-34 327 IAC 2	The agreement establishes criteria for the establishing, owning, and operating wetland mitigation banks. In addition criteria are set forth for authorizing applicants to withdraw credits from a mitigation bank.	DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273 Indianapolis, IN 46204 (317) 232-4080	Not applicable.
INDIANA WETLAND CONSERVATION PLAN: Guidance for wetland conservation efforts developed by agencies and interested persons.	A SUMMARY OF WETLANDS CONSERVATION PROGRAMS IN	The plan reviews the status of Indiana wetlands and includes steps to develop a rating system to determine quality of wetlands.	DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273	Not applicable.

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
	INDIANA: AN ADDENDUM TO THE INDIANA WETLANDS CONSERVATION PLAN (June 1996).		Indianapolis, IN 46204 (317) 232-4080	
Natural Areas, Nature Preserves, Wildlife Habitat Areas, and Areas of Exceptional Ecological Significance STATE PARKS: DNR has the general authority to purchase land for the development of a park or scenic area.	IC 14-19-1	(1) A new state park should contain a "relatively extensive area containing scenic, natural, or cultural resources of significant value" that are capable of being reasonably maintained "in their natural condition" and where "opportunities for appropriate types of recreation" can be provided "without destroying or impairing the resources." ⁹ (2) A small state park shall include between 50 and 500 acres, be capable of supporting 120 visitors, and provide parking for at least 30 cars. At least 20% of the site must be suitable for the development of facilities such as buildings and parking. The site must have the potential for developing woodland on at least	DNR, Division of Parks and Reservoirs 402 W. Washington St., Rm. W298 Indianapolis, IN 46204 (317) 232-4124	Not applicable.

⁹ Division of State Parks, Statement of Philosophy (1984).

¹⁰ Correspondence from James M. Ridenour, Director of the Department of Natural Resources, to Members of the Indiana General Assembly (February 6, 1987).

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		80% of the land. At least 33 1/3% must be suitable to activities such as cultural arts, historic interpretation, nature interpretation, and trails. ¹⁰		
NATURE PRESERVES: Provides permanent protection for significant natural areas in the state.	IC 14-31-1-7	<p>Nature preserves are to be established: (1) for scientific research in fields such as ecology, taxonomy, genetics, forestry, pharmacology, agriculture, soil science, geology, paleontology, conservation, and similar fields; (2) for the teaching of biology, natural history, ecology, geology, conservation, and other subjects;</p> <p>(3) as habitats for plant and animal species and communities and other natural objects; (4) as reservoirs of natural materials; (5) as places of natural interest and beauty; (6) as living illustrations of our natural heritage to be observed and experienced; (7) to promote understanding and appreciation of the esthetic, cultural, scientific, and spiritual values of the areas; or, (8) for the preservation and protection of nature preserves against modification or encroachment</p>	<p>DNR, Division of Nature Preserves 402 W. Washington St., Rm. W 267 Indianapolis, IN 46204 (317) 232-4052</p> <p>Regional Ecologist Jasper-Pulaski Fish and Wildlife Area RR 1, Box 216 Medaryville, IN 47957 (219) 843-5012</p>	IC 14-31-1-7

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
UNIFORM CONSERVATION EASEMENT: Authorizes the voluntary transfer of land for a variety of purposes.	IC 32-5-2.6-1	resulting from occupation, development, or other use that would destroy the natural or aesthetic conditions of nature preserves. Easements are to: (1) retain or protect natural, scenic, or open-space values of real property; (2) assure its availability for agricultural, forest, recreational, or open-space use; (3) protect natural resources; (4) maintain or enhancing air or water quality; or, (5) preserve the historical, architectural, archeological, or cultural aspects of real property.	A governmental body or charitable association empowered to hold property.	Not applicable.
NATURAL, SCENIC, AND RECREATIONAL RIVERS: Designation provides for protection and improvement of a specified river by a local commission established for this purpose.	IC 14-29-6 312 IAC 7-2	General factors evaluated before a river is designated include: (1) length of segment; (2) condition of naturally occurring vegetation; (3) stream scenic view; (4) physical modification of stream course; (5) human developments along stream; (6) unique or special features of area; (7) water quality; (8) paralleling roads; and, (9) number of stream crossings.	DNR, Division of Outdoor Recreation 402 W. Washington St., Rm. W271 Indianapolis, IN 46204 (317) 232-4070	Not applicable.
INDIANA HERITAGE TRUST PROGRAM: Mechanism to acquire land for several purposes relating to protection of natural and cultural resources.	Ind. P.L. 69-1992 IC 14-12-2-1	Money may be used for the following: (1) Acquisition costs, such as costs of surveying, title insurance, and other activities	Indiana Heritage Trust Program 402 W. Washington St., Rm. W256	Not applicable.

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		associated with the transfer of title to property. (2) Costs of services and expenses related to acquisition, such as engineering, appraisal, environmental, accounting, project development, and legal services and expenses. Money in the fund may not be used for the following: (1) The costs of construction of structures other than those authorized. (2) The costs of removal (as defined in IC 13-11-2-187) and remedial action (as defined in IC 13-11-2-185) relating to hazardous substances (as defined in IC 13-11-2-98). (3) The costs of wastewater treatment.	Indianapolis, IN 46204 (317) 232-4020	
CLASSIFIED WILDLIFE HABITAT PROGRAM: Voluntary program for protection of wildlife habitat on private land. Property tax limited to \$1 per acre of classified land.	IC 6-1.1-6.5-2(a) and 8	Site must: (1) contain a good stand of vegetation that is capable of supporting wildlife species; (2) be conducive to wildlife management; (3) contain at least 15 acres of which no more than ten acres can be woodland; and (4) not contain a dwelling or other usable building.	DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273 Indianapolis, IN 46204 (317) 232-4080	Not applicable.
CLASSIFIED RIPARIAN LAND PROGRAM: Voluntary program for the protection of riparian habitat. Property tax limited to \$1 per acre of classified land.	IC 6-1.1-6.5-2(b)	Site must be: (1) a stream bed or vegetated land adjacent to a stream bed within 100 feet from the line of nonaquatic	DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273	Not applicable.

is required for an activity that may result in any discharge into navigable waters. Activities are reviewed for consistency with state water quality standards. The certification is required before permits sought under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 are approved.	IC 13-18-4-5 IC 13-13-5-1 327 IAC 2-1.5-5-4 Wetlands and Habitat Mitigation Nonrule Policy Interagency Coordination Agreement on Wetland Mitigation Banking within the State of Indiana ⁸	quality certification program.	100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 233-8488 1-800-451-6027	certification
LAKE PERMIT PROGRAM: Altering a ditch or drain with a level lower than, and located within ½ mile of, a lake containing at least ten acres requires a permit from DNR.	IC 14-26-5 312 IAC 11	DNR staff assess singular and cumulative impact on the lake and its resources using the criteria outlined in the statute involving natural resources, natural scenic beauty, and recreational purpose. The criteria evaluated during a project's assessment include (1) whether or not the project will result in a taking of the lake; (2) whether or not the project will result in significant environmental harm to the lake; and (3) whether or not the project will adversely impact navigation.	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-26-5 312 IAC 11

⁸ This agreement between the Louisville Army Corps, Detroit Army Corps, NRCS, EPA, USFWS, and DNR can be read at <http://www.lrl.usace.army.mil/orf/info/ICA1097.html>.

RESIDENTIAL SEWAGE DISPOSAL PROGRAM: See section titled, Activities Affecting Groundwater, in this table.					
COMMERCIAL SEWAGE DISPOSAL PROGRAM: See section titled, Activities Affecting Groundwater, in this table.					
RULE 5: Authorizes general permit for construction activities disturbing five or more acres of land. Goal is to reduce pollutants, principally sediment as a result of soil erosion, in storm water discharges into surface waters of the state.	327 IAC 15-5	Detailed criteria and conditions are contained in the rule.	IDEM, Office of Water Management 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 233-6725 1-800-451-6027 Local SWCD DNR, Division of Soil Conservation 402 W. Washington St., Rm. W265 Indianapolis, IN 46204 (317) 233-3870	327 IAC 15-5	
STORMWATER DISCHARGE ASSOCIATED WITH INDUSTRIAL DISCHARGE: Discharge of stormwater associated with industrial discharge is eligible for a general permit.	327 IAC 15-6	To use a general permit, a person must: (1) sample and characterize stormwater runoff; (2) establish and implement a Storm Water Pollution Prevention Plan (SWPPP); and, (3) resample to demonstrate effectiveness of the implemented plan. If the waters are discharged to an outstanding state resource water, also called a water of high quality, or an exceptional use stream, however, an individual NPDES permit must be sought.	IDEM, Office of Water Management 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 233-6725 1-800-451-6027	327 IAC 15-6	

CONCENTRATED ANIMAL FEEDING OPERATIONS: IDEM OLO is responsible for reviewing confined feeding operation permit applications.	IC 13-18-10 Confined Feeding Program Technical Guidance AW-1 ⁹	A permit is needed for new concentrated animal feeding operations, any expansions of existing confined feeding operations, and for existing concentrated feeding operations never before approved.	IDEM, Office of Land Quality 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 232-8871 1-800-451-6027	IC 13-18-10
PESTICIDE PROGRAM: Provides protection of ground water resources through the regulation of pesticide use.	IC 15-3-3 IC 15-3-3.5 IC 15-3-3.6 355 IAC 2 355 IAC 5 INDIANA PESTICIDE STATE MANAGEMENT PLAN ¹⁰ INDIANA PESTICIDE DRIFT ENFORCEMENT POLICY ¹¹	The registration, sale, transport, use, and application of pesticides are regulated by the State Chemist.	Office of Indiana State Chemist and Seed Commissioner 1154 Biochemistry West Lafayette, IN 47907-1154 (765) 494-1492	IC 15-3-3 IC 15-3-3.5 IC 15-3-3.6 355 IAC 2 355 IAC 5
LAND APPLICATION: IDEM OLO regulates the land application of sewage treatment plant sludge and industrial waste products.	327 IAC 6.1	An application must conform to the technical criteria outlined in 327 IAC 6.1.	IDEM, Office of Land Quality 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 232-8871 1-800-451-6027	327 IAC 6.1
NONPOINT SOURCE PROGRAM: Established to integrate methods for	33 USC 1329	Promotes a voluntary approach to improving water quality.	IDEM, Office of Water Management	Not applicable.

⁹ *Confined Feeding Program Technical Guidance Document, AW-1*, Indiana Department of Environmental Management, 21 IND. REG. 1905 (February 1, 1998). The document can be downloaded from http://www.state.in.us/idem/olq/special_topics/confined_feeding/index.html.

¹⁰ A mechanism for protecting the quality of ground water resources. Plan can be accessed at <http://www.isco.purdue.edu/psmp/oisemain.htm>.

¹¹ Provides response guidance to the Office of Indiana State Chemist personnel and public in addressing off-target movement of pesticides resulting from drift. Approved by the Indiana State Pesticide Review Board on February 23, 1994. The policy can be found at http://www.isco.purdue.edu/pesticide_drift_enforcement_policy.htm.

reducing nonpoint source pollution problems. Administers funding from the Clean Water Act under Sections 319, Section 104, Section 104(b)(3), and Section 205(j).	NONPOINT POLLUTION MANAGEMENT PLAN FOR INDIANA 2000-2004 ¹²	Standards and criteria for each grant program are identified in the Nonpoint Pollution Management Plan.	100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 232-0019 1-800-451-6027	
CLEAN LAKES PROGRAM: The program is funded through several grant programs directed to water quality. Indiana University receives the funds to assess the water quality of a number of Indiana lakes each year. (Formerly funded under the Clean Lakes Program as Section 314 of the Clean Water Act.)	(33 USC 1324)		IDEM, Office of Water Management 100 N. Senate Ave. Box 6015 Indianapolis, IN 46206 (317) 232-8491 1-800-451-6027	Not applicable.
CLEAN WATER INDIANA PROGRAM: Financial assistance may be provided to: (1) land occupiers; and, (2) conservation groups to implement conservation practices to reduce nonpoint sources of water pollution through education, technical assistance, training, and cost sharing programs.	IC 14-32-8	Money in the fund may be spent to: (1) increase district technical assistance in local conservation efforts; (2) develop an environmental stewardship program to assist land occupiers in complying with environmental regulations voluntarily; (3) qualify for federal matching funds for county soil survey computerization; (4) provide for cost sharing programs designated by IC 14-32-8; (5) provide matching grants to districts for purposes specified in IC 14-32-8; and, (6) increase state technical and capacity building assistance to districts and local conservation efforts.	DNR, Division of Soil Conservation 402 W. Washington St., Rm. W265 Indianapolis, IN 46204 (317) 233-3870	

¹² The management plan can be found at <http://www.state.in.us/idem/owm/planbr/wsm/watershed/NPSplan/NPSManagementPlan.html>.

<p>CLASSIFIED FOREST PROGRAM: Voluntary program for the protection of forested land. Property tax limited to \$1 per acre of classified land.</p>		<p>In addition to funds provided to a district for purposes stated above, the Division of Soil Conservation shall pay to the district \$1 for every \$1 the district receives from a political subdivision. The State is not obligated to match more than \$10,000. In order to receive funding under this section, before April 15 of each year a district must certify to the Division of Soil Conservation the amount of money the district received from all political subdivisions during the year beginning April 1 of the previous year. The Division of Soil Conservation shall make distributions under this section not later than July 15 of each year. A district must spend money received under this section for the purposes of the district.</p>		
	<p>IC 6-1.1-6-14 and 19 IC 6-1.1-6-2 and 3</p>	<p>(1) A parcel of land may not be classified as native forest land or a forest plantation unless it contains at least ten acres, but the parcel may be of any shape whatsoever. This section does not apply to land classified before July 26, 1967. (2) A parcel of land may not be classified as native forest land or as a forest plantation if it is</p>	<p>DNR, Division of Forestry 402 W. Washington St., Rm. W 296 Indianapolis, IN 46204 (317) 232-4105</p>	<p>Not applicable.</p>

			<p>grazed by a domestic animal. However, this section does not apply to domestic fowl if they do not have a detrimental effect on timber production. (3) A parcel of land may not be classified as native forest land or as a forest plantation if it contains an open area. However, this section does not apply if the open area is authorized by a special permit issued by the state forester.</p> <p>The following types of trees are not considered timber producing trees: dogwoods (Cornus); water-beech (Carpinus); ironwood (Ostrya); red bud (Cercis); sassafras; persimmon; pawpaw; black haw; willows (Salix); pomaceous trees; and Christmas trees which are grown for commercial purposes.</p>		
HOOSIER RIVERWATCH: Increases public awareness of water quality issues by training volunteers to care for and monitor the health of Indiana's streams and rivers.				DNR, Division of Soil Conservation 402 W. Washington St., Rm. W265 Indianapolis, IN 46204 (317) 233-3870	Not applicable.
VOLUNTEER WATER QUALITY MONITORING PROGRAM: Focuses on volunteer lake monitoring and volunteer wetlands monitoring and education. The goals of the program include education about lake and wetland ecology, in addition to providing water quality data				IDEM, Office of Water Management 100 N. Senate Ave. Box 6015 Indianapolis, IN 46206 (317) 232-8476 1-800-451-6027	Not applicable.

to supplement IDEM's lake and wetlands assessment programs. The program is coordinated with DNR, Indiana University, and the Sierra Club.					
Activities Affecting Groundwater					
WATER WELL DRILLER'S LICENSE: Well drillers must pass an examination to be licensed to drill wells. Exam is administered by the DNR, Division of Water, at least twice annually.	IC 25-39 312 IAC 13 327 IAC 8-3.4	An individual must: (1) be at least 18 years of age; (2) furnish evidence from three references, two of whom are water well drillers or licensed plumbing contractors familiar with the applicant's work experience and professional competency; and (3) have successfully completed a competency examination prepared and administered by the department.	DNR, Division of Water, 402 W. Washington St. Rm. W 264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 25-39 312 IAC 13 327 IAC 8-3.4	
RESIDENTIAL SEWAGE DISPOSAL PROGRAM: Oversees construction and maintenance of on-site disposal systems for one or two family dwellings for compliance with standards pertaining to sewers, septic tanks, soil absorption systems, temporary holding tanks, and private vault privies.	IC 16-19-3-4 410 IAC 6-8.1 410 IAC 6-8.1-17 410 IAC 6-8.1-49	Detailed construction standards are established by rule at 410 IAC 6-8 and are administered, subject to oversight by the ISDH, through the county health officer.	ISDH, Residential Sewage Disposal and Sanitary Engineering 2 N. Meridian St., 5 th Flr. Indianapolis, IN 46204 (317) 233-7177	IC 16-19-3-4 410 IAC 6-8.1 410 IAC 6-8.1-17 410 IAC 6-8.1-49	
COMMERCIAL SEWAGE DISPOSAL PROGRAM:	IC 16-19-3-4 410 IAC 6-10-5	Detailed construction standards are established by rule at 410 IAC 6-10 and administered through ISDH.	ISDH, Commercial Sewage Disposal and Sanitary Engineering 2 N. Meridian St., 5 th Flr. Indianapolis, IN 46204 (317) 233-7177	IC 16-19-3-4 410 IAC 6-10-5	

Matrix 5-4: Cross-reference of Water Quantity Laws and Guidance Documents

<i>Program or Activity</i>	<i>Laws and Guidance Documents</i>	<i>Standards or Criteria</i>	<i>Contact</i>	<i>Applicable to Federal Consistency</i>
Construction of Flood Control Works, Structures, and the Alteration of Waterways				
CONSTRUCTION IN A FLOODWAY PERMIT PROGRAM: ¹ Flood control works, structures, and the alteration of waterways are to be designed according to sound engineering practices to minimize flooding. A DNR permit is required before these types of activities are undertaken.	IC 14-28-1 310 IAC 6-1 Standards for the Development of a Commission Floodway Nonrule Policy DNR APPLICATION ASSISTANCE MANUAL (1996) INDIANA DRAINAGE HANDBOOK: AN ADMINISTRATIVE AND TECHNICAL GUIDE FOR ACTIVITIES WITHIN INDIANA'S DRAINAGEWAYS (1996)	(1) Impact of the activity on the capacity of the floodway; (2) hazard to the safety of life or property; and, (3) the cumulative effects of a project or projects upon the floodway. If a project subject to permit under the Flood Control Act is also located within a navigable waterway, it does not require a separate permit under the Navigable Waterways Act provided the Navigable Waterways Act evaluation criteria are applied as well.	DNR, Division of Water, 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-28-1 310 IAC 6-1

¹ Additional information regarding the construction in a floodway permit program, and the opportunity for electronic permit application filing can be accessed at <http://www.state.in.us/dnr/water>.

<i>Program or Activity</i>	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
SECTION 401 WATER QUALITY CERTIFICATION PROGRAM: Certification is required for an activity that may result in any discharge into navigable waters. Activities are reviewed for consistency with state water quality standards. The certification is required before permits sought under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 are approved. See also section titled Natural Areas, Fisheries, Wildlife, and Native and Exotic Species.	33 USC 1341 IC 13-18-4-5 IC 13-13-5-1 327 IAC 2-1.5-5-4	Standards in the water quality rules are applied to the water quality certification program.	IDEM, Office of Water Management 100 N. Senate Ave. Box 6015 Indianapolis, IN 46206-6015 (317) 233-8488	Section 401 water quality certification
Construction Activities within Flood Plains				
FLOOD PLAIN MANAGEMENT: Construction activities within a flood plain are regulated through local ordinance. Standards are set by rule for delineation of flood plains by local governments. Local ordinance is required for participation in the NFIP. DNR, Division of Water staff are available to provide technical assistance for ordinance development. Staff also review ordinances for compliance with standards set by rule.	IC 14-28-3 310 IAC 6-1	Varies by local ordinance. Generally applies to new development activities, such as building, excavating, filling or construction of an addition to an existing structure, in flood hazard areas. Lowest floor of a building must be two feet above the base flood elevation. Substantial improvement (minimum of 50% of prior value of structure) of a damaged structure is prohibited. Some local ordinances include setback requirements.	Local government. DNR, Division of Water, 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-28-3 310 IAC 6-1
NATIONAL FLOOD INSURANCE PROGRAM: Provides a mechanism for protection from potential flood damages for those who pay an insurance premium	IC 14-28-1 IC 14-28-3	The NRC is authorized to "[c]ooperate with and obtain, approve, and accept works or a grant of any character or	FEMA, Region V 536 S. Clark St., 6 th Flr. Chicago, IL 606051-1521	Not applicable.

Program or Activity	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
for this benefit.		description from and through an agency of the United States relating to flood control and water resources.	(312) 408-5504 DNR, Division of Water 402 W. Washington St., Rm. W 264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	
EMERGENCY MANAGEMENT AND DISASTER: Counties must maintain a county emergency management advisory council and a county emergency management organization or participate in an interjurisdictional disaster agency.	IC 10-4-1-10	The State Emergency Management Agency prepares and maintains a state emergency plan to prevent and respond to disasters. The agency also plays an integral part in the development and revising of local disaster plans required by statute.	SEMA 302 W. Washington St. Indianapolis, IN 46204 (317) 232-3980	Not applicable.
FLOOD CONTROL REVOLVING LOAN FUND: Provides revolving loan fund for flood control projects.	IC 14-28-5	State Board of Finance and the Natural Resources Commission must find that: (1) there is a need for the project to protect health, safety, and general welfare of the community; (2) the project is based on sound engineering principles, is in the interest of flood control, and will accomplish the objectives of flood control; and, (3) there is assurance that the local government will satisfactorily operate and maintain project after completion.	DNR Division of Water 402 W. Washington St., Rm. W 264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	Not applicable.

<i>Program or Activity</i>	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
Reconstruction and Maintenance of Drains				
DRAINAGE: State legislation provides that drainage is largely controlled through county drainage boards. Concerned primarily with excess water removal, the focus of the legislation is upon regulated drains.	IC 36-9-27	The county surveyor is required to classify all regulated drains as being in need of: (1) reconstruction; (2) periodic maintenance; or, (3) vacation. These classifications are themselves dependent upon the adequacy of the waterway to properly drain lands affected.	County Surveyor	Not applicable.
Construction and Maintenance of Dams, Levees, and Dikes				
DAMS, LEVEES, AND DIKES: The DNR inspects dams, levees, and dikes to ensure the structures are sound. An owner may be ordered to make repairs if the structure is not compliant with proper engineering requirements.	IC 14-27-7	The owner of a dam, levee, dike, or similar structure is required to maintain the structure consistent with: (1) the exercise of prudence; (2) due regard for life or property; and, (3) the application of sound and accepted engineering principles. A dam is exempted from the inspection process if it meets the following conditions: (A) is built solely for erosion control,	DNR Division of Water 402 W. Washington St., Rm. W 264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-27-7

<i>Program or Activity</i>	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		watering livestock, recreation, or providing a haven or refuge for fish or wildlife; (B) has a drainage area above the dam of not more than one square mile; (C) does not exceed 20 feet high; and, (D) does not impound more than 100 acre-feet of water. A levee, dike, or floodwall is exempted if it is under single private ownership and provides protection only to land or other property under the single private ownership.		
Diversion of Water				
GREAT LAKES DIVERSIONS: Water from the Great Lakes can not be transported out of the basin for consumption without approval.	IC 14-25-1-11 Great Lakes Charter	Water may not be diverted from that part of the Great Lakes drainage basin within Indiana for use outside the basin, unless the diversion is approved by the governor of each Great Lake state.	DNR, Division of Water 402 W. Washington St., Rm. W 264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-25-1-11
Water Withdrawals				
WATER SHORTAGE PLAN: Phased strategy to be enacted should a water shortage on a state, regional, or local level, threaten the well-being of citizens or the environment.	1991, H.B. 1260 Indiana's Water Shortage Plan (1994).	Phases of the plan include a: (1) water shortage watch to alert government agencies that water shortage conditions exist; (2) water shortage warning to prepare a coordinated response to immediate shortage conditions	SEMA 302 W. Washington St. Indianapolis, IN 46204 (317) 232-3980 DNR, Division of Water	Indiana's Water Shortage Plan (1994).

Program or Activity	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		and initiate voluntary efforts to avoid shortages; and, (3) water shortage emergency to marshal all available resources to respond to emergency conditions.	402 W. Washington St., Rm. W 264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	
SIGNIFICANT WATER WITHDRAWAL FACILITY REGISTRATION: Owners of significant water withdrawal facilities must register these facilities and report annual water use.	IC 14-25-7-15	Facility must register with DNR if capable of withdrawing at least 100,000 gallons per day of surface water, ground water, or surface and ground water combined.	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-25-7-15
GROUNDWATER EMERGENCY: Mechanism for relief for a person whose water supply is damaged by another's groundwater withdrawal. Rules set construction standards for new wells.	IC 14-25-4 312 IAC 12	Owner of a facility capable of withdrawing less than 100,000 gallons per day may seek relief if water supply is damaged by a facility capable of withdrawing more than 100,000 gallons per day. In addition, high capacity groundwater pumping may be restricted if withdrawals exceed the recharge capability of the aquifer.	DNR, Division of Water 402 W. Washington St., Rm. W 264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-25-4 312 IAC 12
SURFACE WATER EMERGENCY: Mechanism for relief if the level a lake ten acres or more is lowered.	IC 14-25-5	Relief may be available if a lake larger than ten acres is being lowered by a withdrawal of 100,000 or more gallons of water daily within ½ mile of the lake. Must be a showing of significant environmental harm to lake or adjacent property.	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-25-5

<i>Program or Activity</i>	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
LAKE PERMIT PROGRAM: Provides protection for water levels and quantity of public freshwater lakes. Activities regulated include: (1) Changing the water level of a public freshwater lake by excavating, filling in, or otherwise causing a change in its area, depth, or contour. (2) Altering a ditch or drain within ½ mile of, a lake containing at least ten acres. (3) Lowering a lake containing at least 20 acres more than a foot below its elevation as established by a dam or other control structure. (4) Establishing a ditch or drain with a bottom depth lower than the level of a freshwater lake, and located within ½ mile of the lake. (5) Stabilizing, raising, or maintaining the level of a lake.	IC 14-26-2 IC 14-26-5 IC 14-26-6 IC 14-26-7 IC 14-26-8 312 IAC 11 Wetlands Within Public Freshwater Lakes Nonrule Policy Document ² SHORELINE PROTECTION GUIDE	DNR staff assess singular and cumulative impacts on the lake and its resources using the criteria outlined in IC 14-26-2 involving natural resources, natural scenic beauty, and recreational purpose. The criteria evaluated during a project's assessment include: (1) whether or not the project will result in a taking of the lake; (2) whether or not the project will result in significant environmental harm to the lake; and, (3) whether or not the project will adversely impact navigation.	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-26 312 IAC 11
Lake Michigan, Wolf Lake, and Lake George in Hammond are exempted.				
Conservancy Districts				
CONSERVANCY DISTRICTS: Special taxing unit formed by interested landowners for the purpose of: (1) flood prevention and control; (2) improving drainage; (3) providing for irrigation; (4) providing water supply; or, (5) storage of	IC 14-33	A district may be formed if the circuit court finds the proposed district: (1) appears necessary; (2) holds promise of economic and engineering feasibility; (3) seems to offer benefits in excess of costs	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160	Not applicable.

² Information Bulletin 10, Natural Resources Commission, 19 IND. REG. 940 (January 1, 1996).

<i>Program or Activity</i>	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
<p>water for augmentation of stream flow.</p> <p>Technical assistance is provided by the DNR, Division of Water.</p>		<p>and damages for a purpose other than water supply, storage of water for augmentation of stream flow, or sewage disposal; (4) serves the public health immediately or prospectively for the purposes of water supply, sewage disposal, or storage of water for augmentation of stream flow; (5) propose to cover and serve a proper area; and, (6) could be established and operated in a manner compatible with established conservancy districts, flood control projects, reservoirs, lakes, drains, levees, and other water management or water supply projects.</p>	1-877-928-3755	

Matrix 5-5: Cross-reference of Natural Areas, Fisheries, Wildlife, and Native and Exotic Species Laws and Guidance Documents

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
Filling Dredging, and Alteration of Wetlands and Special Aquatic Sites				
SECTION 401 WATER QUALITY CERTIFICATION PROGRAM: Certification is required for an activity that may result in any discharge into navigable waters. Activities are reviewed for consistency with state water quality standards. The certification is required before permits sought under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 are approved.	33 USC 1341 IC 13-18-4-5 IC 13-13-5-1 327 IAC 2-1.5-5-4 Wetlands and Habitat Mitigation Nonrule Policy Interagency Coordination Agreement on Wetland Mitigation Banking within the State of Indiana ¹	Standards in the water quality rules are applied to the water quality certification program.	IDEM, Office of Water Management 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 233-8488 1-800-451-6027	Section 401 water quality certification
RULE 5: Authorizes general permit for construction activities disturbing five or	327 IAC 15-5	Detailed criteria and conditions are contained in the rule.	IDEM, Office of Water Management	327 IAC 15-5

¹ This agreement between the Louisville Army Corps, Detroit Army Corps, NRCS, EPA, USFWS, and DNR can be read at <http://www.lrl.usace.army.mil/orf/info/ICA1097.html>.

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
more acres of land. Goal is to reduce pollutants, principally sediment as a result of soil erosion, in storm water discharges into surface waters of the state.			100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 233-6725 1-800-451-6027 Local SWCD DNR, Division of Soil Conservation 402 W. Washington St., Rm. W265 Indianapolis, IN 46204 (317) 233-3870	
CONSTRUCTION IN A FLOODWAY PERMIT PROGRAM: ² Flood control works, structures, and the alteration of waterways are to be designed according to sound engineering practices to minimize flooding. A DNR permit is required before these types of activities are undertaken.	IC 14-28-1 310 IAC 6-1 Wetland Conservation Guidelines Wetlands and Habitat Mitigation Nonrule Policy Memo of Understanding for Determining Wetland or Habitat	(1) Impact of the activity on the capacity of the floodway; (2) hazard to the safety of life or property; and (3) the cumulative effects of a project or projects upon the floodway. If a project subject to permit under the Flood Control Act is also located within a navigable waterway, it does not require a separate permit under the Navigable Waterways Act provided the Navigable Waterways Act evaluation	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755 North Region Environmental Biologist RR 6, Box 334 Peru, IN 46970 (765) 472-7981	IC 14-28-1 310 IAC 6-1

² Additional information regarding the construction in a floodway permit program and the opportunity for electronic permit application filing can be accessed at <http://www.state.in.us/dnr/water>.

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
	Compensatory Mitigation ³ Interagency Coordination Agreement on Wetland Mitigation Banking within the State of Indiana ⁴ DNR APPLICATION ASSISTANCE MANUAL (1996) INDIANA DRAINAGE HANDBOOK: AN ADMINISTRATIVE AND TECHNICAL GUIDE FOR ACTIVITIES WITHIN INDIANA'S DRAINAGEWAYS (1996)	criteria are applied as well.		
NAVIGABLE WATERWAYS PERMIT PROGRAM. ⁵ A permit is required for activities that place, fill, or erect a permanent structure in a navigable waterway; or remove water or material from a navigable waterway.	IC 14-29-1 312 IAC 1-1-26 312 IAC 6 Roster of Indiana	(1) Whether the activity would unreasonably impair the navigability of the waterway; (2) cause significant harm to the environment; or, (3) pose an unreasonable hazard to life or	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160	IC 14-29-1 312 IAC 6

³ This MOU is between DNR, DOT, and the US Fish and Wildlife Service. Additional information about the MOU can be read at <http://www.ai.org/nrc/wetlands.htm>.

⁴ This agreement between the Louisville Army Corps, Detroit Army Corps, NRCs, EPA, USFWS, and DNR can be read at <http://www.lrl.usace.army.mil/orf/info/JCA1097.html>.

⁵ Additional information regarding the navigable waterways permit program, and the opportunity for electronic permit application filing can be accessed at <http://www.state.in.us/dnr/water>.

⁶ This MOU is between DNR, DOT, and the US Fish and Wildlife Service. Additional information about the MOU can be read at <http://www.ai.org/nrc/wetlands.htm>.

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
	<p>Waterways Declared Navigable</p> <p>Wetland Conservation Guidelines</p> <p>Wetlands and Habitat Mitigation Nonrule Policy</p> <p>Memo of Understanding for Determining Wetland or Habitat Compensatory Mitigation⁶</p> <p>Interagency Coordination Agreement on Wetland Mitigation Banking within the State of Indiana⁷</p> <p>DNR APPLICATION ASSISTANCE MANUAL (1996)</p>	<p>property. In addition, impact of the activity on the "public trust doctrine," and the likely affect the activity will have on others must be considered.</p> <p>A navigable waterway permit is not required if a permit for the same project has been obtain under IC 14-21-1, IC 14-28-1, IC 14-29-3, IC 14-29-4, IC 14-34, or IC 14-37 and the requirements of the Navigable Waterways Act have been applied in the project review.</p>	1-877-928-3755	
LAKE PERMIT PROGRAM: Provides protection for water levels and quantity of public freshwater lakes, Activities	<p>IC 14-26-2</p> <p>IC 14-26-5</p> <p>IC 14-26-6</p>	<p>DNR staff assesses singular and cumulative impact on the lake and its resources using the</p>	<p>DNR, Division of Water</p> <p>402 W. Washington St.,</p>	<p>IC 14-26-2</p> <p>IC 14-26-5</p> <p>IC 14-26-6</p>

⁷ This agreement between the Louisville Army Corps, Detroit Army Corps, NRCS, EPA, USFWS, and DNR can be read at <http://www.lrl.usace.army.mil/orf/info/ICA1097.html>.

⁸ The document was published in the INDIANA REGISTER, Volume 19, Number 4, (19 IR 940) on January 1, 1996.

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
regulated include: (1) Changing the water level of a public freshwater lake by excavating, filling in, or otherwise causing a change in its area, depth, or contour. (2) Altering a ditch or drain with a level lower than, and located within ½ mile of, a lake containing at least ten acres. (3) Lowering a lake containing at least 20 acres more than a foot below its elevation as established by a dam or other control structure. (4) Establishing a ditch or drain with a bottom depth lower than the level of a freshwater lake, and located within ½ mile of the lake. (5) Stabilizing, raising, or maintaining the level of a lake.	IC 14-26-7 IC 14-26-8 312 IAC 11 Wetlands Within Public Freshwater Lakes ⁸ Wetland Conservation Guidelines Wetlands and Habitat Mitigation Nonrule Policy SHORELINE PROTECTION GUIDE (For inland lakes.)	criteria outlined in the statute involving natural resources, natural scenic beauty, and recreational purpose. The criteria evaluated during a project's assessment include (1) whether or not the project will result in a taking of the lake; (2) whether or not the project will result in significant environmental harm to the lake; and (3) whether or not the project will adversely impact navigation.	Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-26-7 IC 14-26-8 312 IAC 11
Lake Michigan, Wolf Lake, and Lake George in Hammond are exempted. OBSTRUCTION OF FISH MOVEMENT: An obstruction, other than a dam, cannot be placed on a waterway that prevents the movement of fish.	IC 14-22-9-9	A dam on a stream with a watershed of at least 50 square miles may be required to maintain a "sufficient head of water above the dam to support fish life" and to incorporate an adequate fish ladder.	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-22-9-9
WETLAND RESTORATION GENERAL PERMIT: Wetland restoration measures undertaken in a floodway in cooperation with the DNR, US Fish and Wildlife Service, or the US Natural Resource Conservation Service, and meet conditions set by rule, are exempted from	310 IAC 6-1-15	To qualify for the general permit, the design, construction, and maintenance of the measure must not, considering its individual and cumulative effects: (1) adversely affect the efficiency of, or unduly restrict	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	310 IAC 6-1-15

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
the Flood Control Act.		the capacity of, the floodway; (2) constitute an unreasonable hazard to the safety of life or property; (3) result in unreasonable detrimental effects upon fish, wildlife, or botanical resources; (4) obstruct more than five percent (5%) of the cross section of the flood plain during a regulatory flood; or, (5) remove more than one-half (1/2) acre of forest.		
WETLAND MITIGATION BANKING: Designation of suitable properties that can serve to mitigate unavoidable wetland impacts due to excavating, filling, flooding, and draining "waters of the United States."	Interagency Coordination Agreement on Wetland Mitigation Banking within the State of Indiana IC 13-18 IC 14-28-1 IC 14-29-1 IC 13-13 IC 13-14 IC 14-26-2 IC 14-26-5 IC 14-22-34 327 IAC 2	The agreement establishes criteria for the establishing, owning, and operating wetland mitigation banks. In addition criteria are set forth for authorizing applicants to withdraw credits from a mitigation bank.	DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273 Indianapolis, IN 46204 (317) 232-4080	Not applicable.
INDIANA WETLAND CONSERVATION PLAN: Guidance for wetland conservation efforts developed by agencies and interested persons.	A SUMMARY OF WETLANDS CONSERVATION PROGRAMS IN	The plan reviews the status of Indiana wetlands and includes steps to develop a rating system to determine quality of wetlands.	DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273	Not applicable.

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
	INDIANA: AN ADDENDUM TO THE INDIANA WETLANDS CONSERVATION PLAN (June 1996).		Indianapolis, IN 46204 (317) 232-4080	
Natural Areas, Nature Preserves, Wildlife Habitat Areas, and Areas of Exceptional Ecological Significance				
STATE PARKS: DNR has the general authority to purchase land for the development of a park or scenic area.	IC 14-19-1	(1) A new state park should contain a "relatively extensive area containing scenic, natural, or cultural resources of significant value" that are capable of being reasonably maintained "in their natural condition" and where "opportunities for appropriate types of recreation" can be provided "without destroying or impairing the resources." ⁹ (2) A small state park shall include between 50 and 500 acres, be capable of supporting 120 visitors, and provide parking for at least 30 cars. At least 20% of the site must be suitable for the development of facilities such as buildings and parking. The site must have the potential for developing woodland on at least	DNR, Division of Parks and Reservoirs 402 W. Washington St., Rm. W298 Indianapolis, IN 46204 (317) 232-4124	Not applicable.

⁹ Division of State Parks, Statement of Philosophy (1984).

¹⁰ Correspondence from James M. Ridenour, Director of the Department of Natural Resources, to Members of the Indiana General Assembly (February 6, 1987).

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		80% of the land. At least 33 1/3% must be suitable to activities such as cultural arts, historic interpretation, nature interpretation, and trails. ¹⁰		
NATURE PRESERVES: Provides permanent protection for significant natural areas in the state.	IC 14-31-1-7	<p>Nature preserves are to be established: (1) for scientific research in fields such as ecology, taxonomy, genetics, forestry, pharmacology, agriculture, soil science, geology, paleontology, conservation, and similar fields; (2) for the teaching of biology, natural history, ecology, geology, conservation, and other subjects;</p> <p>(3) as habitats for plant and animal species and communities and other natural objects; (4) as reservoirs of natural materials; (5) as places of natural interest and beauty; (6) as living illustrations of our natural heritage to be observed and experienced; (7) to promote understanding and appreciation of the esthetic, cultural, scientific, and spiritual values of the areas; or, (8) for the preservation and protection of nature preserves against modification or encroachment</p>	<p>DNR, Division of Nature Preserves 402 W. Washington St., Rm. W 267 Indianapolis, IN 46204 (317) 232-4052</p> <p>Regional Ecologist Jasper-Pulaski Fish and Wildlife Area RR 1, Box 216 Medaryville, IN 47957 (219) 843-5012</p>	IC 14-31-1-7

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
UNIFORM CONSERVATION EASEMENT: Authorizes the voluntary transfer of land for a variety of purposes.	IC 32-5-2.6-1	resulting from occupation, development, or other use that would destroy the natural or aesthetic conditions of nature preserves. Easements are to: (1) retain or protect natural, scenic, or open-space values of real property; (2) assure its availability for agricultural, forest, recreational, or open-space use; (3) protect natural resources; (4) maintain or enhancing air or water quality; or, (5) preserve the historical, architectural, archeological, or cultural aspects of real property.	A governmental body or charitable association empowered to hold property.	Not applicable.
NATURAL, SCENIC, AND RECREATIONAL RIVERS: Designation provides for protection and improvement of a specified river by a local commission established for this purpose.	IC 14-29-6 312 IAC 7-2	General factors evaluated before a river is designated include: (1) length of segment; (2) condition of naturally occurring vegetation; (3) stream scenic view; (4) physical modification of stream course; (5) human developments along stream; (6) unique or special features of area; (7) water quality; (8) paralleling roads; and, (9) number of stream crossings.	DNR, Division of Outdoor Recreation 402 W. Washington St., Rm. W271 Indianapolis, IN 46204 (317) 232-4070	Not applicable.
INDIANA HERITAGE TRUST PROGRAM: Mechanism to acquire land for several purposes relating to protection of natural and cultural resources.	Ind. P.L. 69-1992 IC 14-12-2-1	Money may be used for the following: (1) Acquisition costs, such as costs of surveying, title insurance, and other activities	Indiana Heritage Trust Program 402 W. Washington St., Rm. W256	Not applicable.

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		associated with the transfer of title to property. (2) Costs of services and expenses related to acquisition, such as engineering, appraisal, environmental, accounting, project development, and legal services and expenses. Money in the fund may not be used for the following: (1) The costs of construction of structures other than those authorized. (2) The costs of removal (as defined in IC 13-11-2-187) and remedial action (as defined in IC 13-11-2-185) relating to hazardous substances (as defined in IC 13-11-2-98). (3) The costs of wastewater treatment.	Indianapolis, IN 46204 (317) 232-4020	
CLASSIFIED WILDLIFE HABITAT PROGRAM: Voluntary program for protection of wildlife habitat on private land. Property tax limited to \$1 per acre of classified land.	IC 6-1.1-6.5-2(a) and 8	Site must: (1) contain a good stand of vegetation that is capable of supporting wildlife species; (2) be conducive to wildlife management; (3) contain at least 15 acres of which no more than ten acres can be woodland; and (4) not contain a dwelling or other usable building.	DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273 Indianapolis, IN 46204 (317) 232-4080	Not applicable.
CLASSIFIED RIPARIAN LAND PROGRAM: Voluntary program for the protection of riparian habitat. Property tax limited to \$1 per acre of classified land.	IC 6-1.1-6.5-2(b)	Site must be: (1) a stream bed or vegetated land adjacent to a stream bed within 100 feet from the line of nonaquatic	DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273	Not applicable.

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
CLASSIFIED FOREST PROGRAM: Voluntary program for the protection of forested land. Property tax limited to \$1 per acre of classified land.	IC 6-1.1-6-14 and 19 IC 6-1.1-6-2 and 3 312 IAC 15	<p>vegetation; and, (2) conducive to riparian management.</p> <p>(1) A parcel of land may not be classified as native forest land or a forest plantation unless it contains at least ten acres, but the parcel may be of any shape whatsoever. This section does not apply to land classified before July 26, 1967. (2) A parcel of land may not be classified as native forest land or as a forest plantation if it is grazed by a domestic animal. However, this section does not apply to domestic fowl if they do not have a detrimental effect on timber production. (3) A parcel of land may not be classified as native forest land or as a forest plantation if it contains an open area. However, this section does not apply if the open area is authorized by a special permit issued by the state forester.</p> <p>The following types of trees are not considered timber producing trees: dogwoods (Cornus); water-beech (Carpinus); ironwood (Ostrya); red bud (Cercis); sassafras; persimmon; pawpaw; black haw; willows</p>	Indianapolis, IN 46204 (317) 232-4080 DNR, Division of Forestry 402 W. Washington St., Rm. W 296 Indianapolis, IN 46204 (317) 232-4105	312 IAC 15

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		(Salix); pomaceous trees; and Christmas trees which are grown for commercial purposes.		
REGISTRY OF AREAS OF UNUSUAL SIGNIFICANCE: Recognizes natural areas of high quality considered unique in Indiana. The Division of Nature Preserves also records significant natural areas in the Indiana heritage Data Center which is designed to provide accurate information about the development of ecosystems, species, landscape features, outdoor amenities, and ensure adequate evaluation methodology of the data for setting sound land protection priorities.	IC 14-31-1-8	Natural area is included if it (1) Retains or has reestablished the area's natural character, although the area need not be undisturbed. (2) Has unusual flora or fauna; or biotic, geological, scenic, or paleontological features of scientific or educational value.	DNR, Division of Nature Preserves 402 W. Washington St., Rm. W 267 Indianapolis, IN 46204 (317) 232-4052	Not applicable.
INDIANA NATURAL HERITAGE CAMPAIGN: Promotes preservation of areas of unusual natural interest for scientific, educational, recreational, cultural, and aesthetic purposes as a link to Indiana's past and a legacy to Indiana's future.	IC 14-31-2	The maximum number of acres that can be acquired under the campaign is 15,000. Purchases can only be made from willing sellers.	DNR 402 W. Washington St., Rm. W256 Indianapolis, IN 46204 (317) 232-4020	Not applicable.
INDIANA FOREST LEGACY PROGRAM: Identifies environmentally important forests and protects them by purchasing the development rights from willing sellers. Portions of Porter and LaPorte Counties are designated as a legacy area.	IC 14-23-1-1	Nominated parcels are evaluated using ecological criteria and a point scale. The maximum number of points is 500. The general criteria include: (1) riparian or hydrologic areas; (2) existing or potential public recreation opportunities; (3) scenic resources; (4) known cultural or historical areas; (5) provide opportunity for tradition	DNR, Division of Forestry 402 W. Washington St., Rm. W296 Indianapolis, IN 46204 (317) 232-4105	Not applicable.

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		forest uses; (6) fish and wildlife habitat; (7) known rare, threatened, and endangered species; (8) other ecological values; and, (9) acquirability and manageability.		
URBAN FOREST CONSERVATION FUND: Grants to help communities develop long term programs to manage their urban forests. Projects that help improve and protect trees and other associated natural resources in urban areas are eligible. Tree Cities may spend up to 20% of the grant funds on demonstration tree planting projects. Municipalities and not-for-profit organizations are eligible to apply for \$2,000 to \$20,000. Grantees must match the grant with in-kind and/or monetary match. ¹¹		Applicant must be a municipality or a not-for-profit organization with 501(c)(3) status. Qualified projects are those associated with training and education, or management planning for tree care.	DNR, Urban Forestry 9245 North Meridian, Suite 118 Indianapolis, IN 46260 (317) 582-2410	Not applicable.
STATE FOREST FUND: Part of the annual property tax assessment of Indiana properties is deposited in the fund.	IC 14-23-3	The DNR may use the fund for the: (1) purchase, supervision, and development of state forests and State forest land; (2) growing and distribution of forest tree seedlings for state and private forest planting; (3) organized prevention, detection, control, and suppression of forest fires in the	DNR, Division of Forestry 402 W. Washington St., Rm. W296 Indianapolis, IN 46204 (317) 232-4105	Not applicable.

¹¹ This information was obtained from the DNR Division of Forestry web site at <http://www.state.in.us/dnr/forestry/htmldocs/grants.htm>.

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
HOMETOWN INDIANA GRANTS: Division of Forestry is one of three DNR divisions that administer this grant. Forestry purposes eligible for the grant program include community projects that share the cost of tree planting and other urban forestry projects. ¹²	IC 14-12-3 310 IAC 17-5	forests, woodlands, and plantations within Indiana; and, (4) providing of forestry assistance to farmers and private forest landowners for the purpose of providing for the better protection, management, development, and utilization of forest products and forests located in Indiana. Factors considered in rating grant applications for community forestry: The priority given to the project type by rule. (2) The feasibility of the project. (3) The need for the project in the area served, including economic benefits. (4) The extent of public support for the project, as evidenced by public meetings, surveys, and correspondence. (5) The compatibility of the project with other facilities. Items considered within this subdivision include the locations of existing and planned roads, utility lines, pipelines, sidewalks, and buildings. (6) Whether the	DNR, Urban Forestry 9245 North Meridian, Suite 118 Indianapolis, IN 46260 (317) 582-2410	Not applicable.

¹² This information was obtained from the DNR Division of Forestry web site at <http://www.state.in.us/dnr/forestry/index.html>.

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		applicant has received previous grants under this article or another law providing similar benefits. An applicant who has not previously received funding receives a higher priority than an applicant that has. (7) Whether the project will benefit a large number of individuals as opposed to a small number of individuals. (8) THE HISTORY OF AN APPLICANT IN PROCESSING PRIOR GRANTS. CONSIDERATION IS GIVEN TO WHETHER OR NOT PREVIOUS GRANTS HAVE BEEN ADMINISTERED EFFECTIVELY, EFFICIENTLY, AND ACCORDING TO STANDARDS ESTABLISHED BY THE ENTITY PROVIDING THE GRANT. (9) THE LIKELY DURATION OF BENEFITS DERIVED FROM THE PROJECT.		
Hunting, Fishing, Trapping, and Related Activities				
HUNTING AND TRAPPING LICENSES: A license must be obtained before an individual hunts or traps in Indiana.	IC 14-22 312 IAC 9-2 312 IAC 9-3 312 IAC 9-4	Conditions for the purchase of hunting and trapping licenses are based upon age, residence, and license duration.	DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273 Indianapolis, IN 46204 (317) 232- 4080	IC 14-22 312 IAC 9
SPORT AND COMMERCIAL FISHING LICENSES:	IC 14-22	Conditions of the purchase of a sport fishing licenses are based	DNR, Division of Fish and Wildlife	IC 14-22

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
A license must be obtained before an individual fishes in Indiana waters. A commercial license must be obtained before an individual or company fishes for commercial purposes in Indiana waters.	312 IAC 9-7 312 IAC 9-8-2 312 IAC 9-8-3	upon age, residence, and license duration. Standards for licenses allowing species to be taken commercially are highly restrictive because of a current ban on commercial fishing for lake perch. Commercial fishing licenses are not active in Indiana waters of Lake Michigan.	402 W. Washington St., Rm. W 273 Indianapolis, IN 46204 (317) 232-4080	312 IAC 9
Fish and Wildlife Habitat Areas				
FISH AND WILDLIFE FUND: Accumulation of fines collected for violations of fish and wildlife laws. Funds activities to protect game, fish, and birds.	IC 14-22-3	Money in the fund shall be used for the following purposes: (1) Protecting and propagating game, fish, and birds in Indiana. (2) Paying the operational expenses of fish and wildlife division and the law enforcement division. Money in the fund that is attributable to money deposited under IC 33-19-7-5 shall be used to administer the turn in a poacher program established and the reward system established under the program.	DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273 Indianapolis, IN 46204 (317) 232-4080	Not applicable.
LAND ACQUISITION: Land acquisition is authorized in several statutes pertaining to resources issues.	IC 14-17-3-1 IC 14-22-3 IC 14-22-34-14(a)	Funding may be used for sites to protect and propagate game or to acquire land or aquatic habitat for nongame species.	DNR, Division of Land Acquisition; 402 W. Washington St., Rm. W 255A; Indianapolis, IN 46204; (317) 232-4050	Not applicable.

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
VOLUNTARY FISH AND WILDLIFE LAND ACQUISITION STAMP: A stamp is designed by the DNR Division of Fish and Wildlife and offered for sale to support management of fish and wildlife.	IC 14-12-2-35	The money collected by the DNR from the sale of the stamps shall be deposited in the fish and wildlife account established within the Indiana Heritage Trust Fund.	DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273 Indianapolis, IN 46204 (317) 232-4080	Not applicable.
FISH AND WILDLIFE ACCOUNT: An element of the Indiana Heritage Trust Program the Account includes proceeds from a voluntary fish and wildlife land acquisition fund to purchase property for fish and wildlife management.	IC 14-12-2-26	Money in this account may be used only to purchase property for fish or wildlife management purposes.	DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273 Indianapolis, IN 46204 (317) 232-4080	Not applicable.
Management of Fish and Wildlife				
NONGAME AND ENDANGERED WILDLIFE PROGRAM (NEWP): Protects and manages more than 550 species of nongame and endangered animals in the state. These species comprise 85 percent of all the state's wildlife.	IC 14-22-2-3 IC 14-22-10-8 IC 14-22-34	A species is considered endangered if the survival or reproduction of the species in Indiana is in jeopardy or likely to become so.	DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273 Indianapolis, IN 46204 (317) 232-4080	IC 14-22
NONGAME FUND: Funding is used to protect, conserve, manage, and identify nongame and endangered species of wildlife primarily through the acquisition of the natural habitat of the animals.	IC 14-22-34-20	The DNR may expend the money in the fund exclusively for the preservation of nongame and endangered species of wildlife. Money in the fund does not revert to the state general fund at the end of a state fiscal year. However, if the fund is abolished, the money in the fund reverts to the state general fund.	DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273 Indianapolis, IN 46204 (317) 232-4080 District 1 Wildlife Biologist Kankakee Fish and Wildlife Area 4320 W. Toto Rd.	Not applicable.

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
			PO Box 77 North Judson, IN 46366 (219) 896-3572	
SPORT AND COMMERCIAL FISHING ON LAKE MICHIGAN: DNR is directed to protect fishery resources in Lake Michigan.	IC 14-22-14-20 through 22 312 IAC 9-8	Types of nets used and quantity of fish taken are examples of restrictions specific to Lake Michigan.	DNR, Division of Fish and Wildlife 100 W. Water St. Michigan City, IN 46360 (219) 874-6824	IC 14-22 312 IAC 9
CONSERVATION OFFICERS FISH AND WILDLIFE FUND: Established for special law enforcement investigations of fish and wildlife violations.	IC 14-9-8-21	The DNR may expend the money in the fund exclusively for special law enforcement investigations of fish and wildlife violations. (1) Purchase and repair of decoys (as defined in IC 14-22-40-2) are eligible expenses. (2) The expenses of administering the fund shall be paid from money in the fund. (3) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the amount of money in the fund at the end of a state fiscal year exceeds \$35,000, the treasurer of state shall transfer the excess from the fund into the fish and wildlife fund.	DNR, Division of Law Enforcement 402 W. Washington St., Rm. 255D Indianapolis, IN 46204 (317) 232-4010	Not applicable.
TURN IN A POACHER (TIP): Encourages citizen participation in preventing illegal	IC 14-9-8-23	"Poacher" includes a person or group of people that kill fish and	1-800-TIP-IDNR	Not applicable.

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
activities associated with fish, game, and nongame wildlife. ¹³		wildlife by means of pollution or by destroying valuable habitat such as wetlands and rivers. Tips can be anonymous and individuals providing a report do not have to appear in court. DNR must (1) provide a toll free telephone number; (2) conduct a publicity campaign for the program; (3) investigate violations initiated by citizen action; and, (4) approve and coordinate reward payments.		
HUNTER EDUCATION AND TRAPPER TRAINING: Hunter education includes instruction in hunter safety, principles of conservation, and sportsmanship. The trapper training program includes instruction in trapping wild animals, emphasizing methods, laws, ethics, responsibilities, natural history, wildlife management, and other matters associated with trapping.	IC 14-22-11-5 IC 14-22-35 IC 14-22-36 312 IAC 9-12	A hunter education course is required before a person born after December 31, 1986 may obtain a hunting license.	DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273 Indianapolis, IN 46204 (317) 232-4080	IC 14-22 312 IAC 9
GO FISHIN: The DNR Division of Fish and Wildlife in conjunction with the Federal Sport Fish Restoration Program			DNR, Division of Fish and Wildlife 402 W. Washington St.,	Not applicable.

¹³ Turn in a Poacher (or Polluter) Program information can be found at <http://www.state.in.us/dnr/lawenfor/tip.htm>.

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
<p>has developed this educational program designed to provide fishing information to Hoosiers.</p> <p>The program consists of classroom activities and fishing field trips designed to improve students' knowledge and appreciation of Indiana's aquatic resources.¹⁴</p>			<p>Rm. W 273 Indianapolis, IN 46204 (317) 290-3223</p>	
<p>PROJECT WILD: Supplementary environmental and conservation education program emphasizing wildlife coordinated by the DNR Division of Fish and Wildlife. The program's innovative, hands-on activities are designed for students in kindergarten through grade 12. Project WILD assists learners of any age in developing the awareness, knowledge, skills and commitment to make informed decisions and act responsibly concerning wildlife and the environment.¹⁵</p>			<p>Natural Resources Education Center Fort Harrison State Park 5785 Glenn Road Indianapolis, IN 46217 (317) 549-0354</p>	Not applicable.
<p>PROJECT LEARNING TREE: Environmental education program for educators working with students preschool through grade 12. PLT helps students gain awareness and knowledge of the natural and built environment, their place within it, as well as their responsibility for it.¹⁶</p>			<p>Natural Resources Education Center Fort Harrison State Park 5785 Glenn Road Indianapolis, IN 46217 (317) 549-0354</p>	Not applicable.

¹⁴ Additional information on the Go FishIN program can be accessed at <http://www.state.in.us/dnr/fishwild/about/edcenter/gofishin.htm>.

¹⁵ This information was found at <http://www.state.in.us/dnr/fishwild/about/edcenter/projectwild.htm>.

¹⁶ <http://www.ai.org/dnr/forestry/plt/plt.html>

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
PROJECT WET: Educational program targeting K-12 to facilitate and promote awareness, appreciation, knowledge, and stewardship of water resources. Activities are designed to satisfy the goals of educational programs by complementing existing curricula rather than displacing or adding more concepts. ¹⁷			Natural Resources Education Center Fort Harrison State Park 5785 Glenn Road Indianapolis, IN 46217 (317) 549-0354	Not applicable.
Rare and Endangered Plant and Animal Species				
NONGAME AND ENDANGERED WILDLIFE PROGRAM (NEWP): Protects and manages more than 550 species of nongame and endangered animals in the state. These species comprise 85 percent of all the state's wildlife.	IC 14-22-2-3 IC 14-22-10-8 IC 14-22-34	A species is considered endangered if the survival or reproduction of the species in Indiana is in jeopardy or likely to become so.	DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273 Indianapolis, IN 46204 (317) 232-4080	IC 14-22
INDIANA STATE INCOME TAX FORM NONGAME CHECKOFF: This checkoff gives Hoosiers the opportunity to donate all or a portion of their state tax refund to help support NEWP projects.	IC 6-8.1-9-4	Every individual or husband and wife (other than a nonresident) who files an individual income tax return and who is entitled to a refund from the Indiana Department of Revenue because of the overpayment of income tax for a taxable year can allocate all or a portion of the return to the nongame fund.	Indiana Department of Revenue 100 N. Senate Ave. N105 Indianapolis, IN 46204 (317)232-2240	Not applicable.
RARE AND ENDANGERED INSECTS AND PLANTS: A nonrule policy document provides a listing of rare, threatened, and endangered plant and animals. In	A Roster of Indiana Animals and Plants which are Extirpated, Endangered,	A species is endangered if the prospects of survival or recruitment in Indiana of a species or subspecies is in	NRC, Division of Hearings 402 W. Washington St., Rm. W272	Not applicable.

¹⁷ Additional information regarding Project Wet can be found at <http://www.state.in.us/dnr/soilcons/wet/index.htm>.

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
<p>addition, the Division of Nature Preserves has developed lists for vertebrates, invertebrates, and vascular plants.</p> <p>GEOGRAPHIC APPROACH TO PROTECTION OF BIOLOGICAL DIVERSITY (GAP) ANALYSIS: Indiana participates in this national program addressing the issue of declining biodiversity. GAP Analysis is conducted as state-level projects. The analysis identifies the gaps in representation of biodiversity in areas managed for the long-term maintenance of native species and natural ecosystems. In Indiana, GAP Analysis is a geographic information system based methodology developed by the U.S. Fish and Wildlife Service.</p>	<p>Threatened, or Rare</p> <p>IC 14-22-2-3 IC 14-22-34-7</p>	<p>jeopardy or is "likely within the foreseeable future to become so."</p> <p>GAP will: (1) map existing natural vegetation to the level of dominant or co-dominant plant species; (2) map predicted distribution of native vertebrate species; (3) map public land ownership and private conservation lands; (4) show the current network of conservation lands; (5) compare distributions of any native vertebrate species, group of species, or vegetation communities of interest with the network of conservation lands; and, (6) provide an objective basis of information for local, state, and national options in managing biological resources.</p>	<p>Indianapolis, IN 46204 (317) 232-4699</p> <p>DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273 Indianapolis, IN 46204 (317) 232- 4080</p> <p>US Fish and Wildlife Service 620 S. Walker St. Bloomington, IN 46703 (812) 334-4061</p>	<p>Not applicable.</p>
<p>Introduction or Propagation of Exotic Species</p> <p>EXOTIC MAMMALS AND BIRDS: The NRC may regulate the taking of exotic mammals. Rules may be adopted to manage the species in a designated area of the State. Exotic mammals may be bred for hunting.</p>	<p>IC 14-22-2-6 IC 14-22-31-7 IC 14-22-31-14 IC 14-22-32</p>	<p>The DNR will inspect the (1) proposed shooting preserve; (2) facilities for propagating the game birds or exotic mammals; (3) cover; and, (4) capability of the applicant to maintain such an</p>	<p>DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273 Indianapolis, IN 46204 (317) 232-4080</p>	<p>IC 14-22 312 IAC 9</p>

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		operation. If found feasible, a license will be issued to the applicant.		
FISH IMPORTATION PERMIT: Regulates the import of any live fish for sale or release.	IC 14-22-25 312 IAC 9-10-15	Fish to be imported must: (1) be free of any communicable disease; (2) not become a nuisance; and, (3) not damage a native wild species or a domestic species of animal or plant. Live fish for use in a zoo or aquarium pet trade are exempted. Several species already common to Indiana waters are also exempted.	DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273 Indianapolis, IN 46204 (317) 232-4080	IC 14-22 312 IAC 9
AQUACULTURE: A permit is required before beginning aquaculture activities. An NPDES permit from the IDEM may be required for discharges associated with these practices.	IC 14-22-27 312 IAC 9-10-17 IC 13-18-10	An aquaculture permit is required to import, raise, or transport most fish. For common native species, a fish importation permit satisfies the requirement. Special requirements apply to grass carp and other non-native species. Fish for the aquarium pet trade and display in zoos are exempted.	DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273 Indianapolis, IN 46204 (317) 232-4080	IC 14-22 312 IAC 9 IC 13-18-10
NUISANCE SPECIES IMPORTATION: The possession or release of specific species may be prohibited.	IC 14-22-25 312 IAC 9-6-7	An example is the import of exotic catfish and rudd is prohibited.	DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273 Indianapolis, IN 46204 (317) 232-4080	IC 14-22 312 IAC 9

Programs and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
ZEBRA MUSSEL CONTAINMENT: Nonrule policy document outlining procedures primarily directed to DNR employees to prevent the unintentional spread of zebra mussels to uncontaminated waters. ¹⁸	Zebra Mussel Containment Nonrule Policy ¹⁹	(1) The Aquatic Nuisance Species Coordinator of the DNR will maintain a map of zebra mussel sitings. (2) An assumption should be made that zebra mussels are present unless sampling indicates otherwise. (3) Preventative steps, such as draining water from watercraft and trailers, should be taken when introducing watercraft to areas where zebra mussels have not been detected. (4) Educational materials and postings should be available to the public.	DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273 Indianapolis, IN 46204 (317) 232-4080	Not applicable.
PEST AND PATHOGEN MANAGEMENT: Pests or pathogens that are considered harmful can be restricted or eliminated. Permitting processes regulate specific species.	IC 14-24-2-5 IC 14-8-2-203 312 IAC 18-3-7 312 IAC 18-3-8 312 IAC 18-3-12 312 IAC 18-3-13	A pest or pathogen may be an arthropod, nematode, microorganisms, fungus, parasitic plant, mollusk, plant disease, or exotic weed.	DNR, Division of Entomology and Plant Pathology 402 W. Washington St., Rm. W290 Indianapolis, IN 46204 (317) 232-4120	IC 14-24 312 IAC 18

¹⁸ The Zebra Mussel Containment Nonrule Policy can be read at <http://www.state.in.us/nrc/policy/zebra.html>.

¹⁹ *Zebra Mussel Containment*, Information Bulletin 15, Natural Resources Commission, 20 IND. REG. 1284 (February 1, 1997).

Matrix 5-6: Cross-reference of Recreation, Access, and Cultural Resources Laws and Guidance Documents

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
Development of Public Park and Recreation Areas				
STATEWIDE COMPREHENSIVE OUTDOOR RECREATION PLAN: Evaluation process conducted on a five year cycle to document resources, needs, and issues regarding recreation across the State.	IC 14-14-2-1 INDIANA LAKE MICHIGAN RECREATIONAL ACCESS GUIDE (1996).	DNR: (1) may prepare, maintain, and keep up to date a comprehensive plan for the development of the outdoor recreation resources of Indiana; and, (2) shall coordinate the department's activities with and represent the interests of all agencies of the state, county, city, and other governmental units.	DNR, Division of Outdoor Recreation 402 W. Washington St., Rm. W271 Indianapolis, IN 46204-2782 (317) 232-4070	Not applicable.
LAND AND WATER CONSERVATION FUND: Reimburses 50% of costs to qualified local entities for the acquisition and development of outdoor recreation areas for public use.	IC 14-14-2-2 STATEWIDE COMPREHENSIVE OUTDOOR RECREATION PLAN (1995-1999) LWCF MANUAL: GUIDELINES FOR LOCAL AGENCY PARTICIPATION IN THE LAND AND WATER	Detailed criteria for the evaluation of a grant application are identified in the LWCF Manual.	DNR, Division of Outdoor Recreation 402 W. Washington St., Rm. W271 Indianapolis, IN 46204-2782 (317) 232-4070	Not applicable.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
HOMETOWN INDIANA GRANT PROGRAM: Division of Outdoor Recreation is one of three DNR divisions that administer this grant. Recreation purposes eligible for the grant program include acquisition, development, or renovation of a community park or recreation area.	CONSERVATION FUND PROGRAM IN INDIANA IC 14-12-3 312 IAC 26-3 Hometown Indiana Grant Distributions Nonrule Policy ¹ STATEWIDE COMPREHENSIVE OUTDOOR RECREATION PLAN (1995-1999)	The applicant: (1) must be a municipal corporation which is authorized to acquire, develop, operate, and maintain a community park or recreation area; (2) have current five year park and recreation master plan or other eligible comprehensive plan approved by the department; (3) use the grant to acquire, develop, or renovate a community park or recreation area; (4) have control of the land on which the community park or recreation area project will take place; (5) must operate the community park or recreation area, purchased with grant funds or donated as a local match for grant funds, in perpetuity for public recreation; and, (6) must demonstrate the ability of the municipal corporation to operate and maintain the community park or recreation area after its completion. Criteria have also been developed by rule to implement a rating system for grant distribution.	DNR, Division of Outdoor Recreation 402 W. Washington St., Rm. W271 Indianapolis, IN 46204- 2782 (317) 232-4070	Not applicable.

¹ *Hometown Indiana Grants Program General Distributions*, Information Bulletin #18, Natural Resources Commission, 21 IND. REG. 226 (March 1, 1998).

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
NATURE PRESERVES: Provides permanent protection for significant natural areas in the State.	IC 14-31-1-7	<p>Nature preserves are to be established: (1) for scientific research in fields such as ecology, taxonomy, genetics, forestry, pharmacology, agriculture, soil science, geology, paleontology, conservation, and similar fields; (2) for the teaching of biology, natural history, ecology, geology, conservation, and other subjects;</p> <p>(3) as habitats for plant and animal species and communities and other natural objects; (4) as reservoirs of natural materials;</p> <p>(5) as places of natural interest and beauty; (6) as living illustrations of our natural heritage to be observed and experienced; (7) to promote understanding and appreciation of the esthetic, cultural, scientific, and spiritual values of the areas; and, (8) for the preservation and protection of nature preserves against modification or encroachment resulting from occupation, development, or other use that would destroy the natural or aesthetic conditions of nature preserves.</p>	<p>DNR, Division of Nature Preserves 402 W. Washington St., Rm. W267 Indianapolis, IN 46204 (317) 232-4052</p> <p>Regional Ecologist Jasper-Pulaski Fish and Wildlife Area RR 1, Box 216 Medaryville, IN 47957 (219) 843-5012</p>	IC 14-31-1

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
STATE PARKS: DNR has the general authority to purchase land for the development of a park or scenic area.	IC 14-19-1 310 IAC 5-1 310 IAC 18	(1) A new state park should contain a "relatively extensive area containing scenic, natural, or cultural resources of significant value" that are capable of being reasonably maintained "in their natural condition" and where "opportunities for appropriate types of recreation" can be provided "without destroying or impairing the resources." ² (2) A small state park shall include between 50 and 500 acres, be adjacent to surface water, be capable of supporting 120 visitors, and provide parking for at least 30 cars. At least 20% of the site must be suitable for the development of facilities such as buildings and parking. The site must have the potential for developing woodland on at least 80% of the land. At least 33 1/3% must be suitable to activities such as cultural arts, historic interpretation, nature interpretation, and trails. ³	DNR, Division of Parks and Reservoirs 420 W. Washington St., Rm. W298 Indianapolis, IN 46204 (317) 232-4124	Not applicable.

² Division of State Parks, Statement of Philosophy (1984).

³ Correspondence from James M. Ridenour, Director of the Department of Natural Resources, to Members of the Indiana General Assembly (February 6, 1987).

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
<p>NAVIGABLE WATERWAYS PERMIT PROGRAM: A permit is required for activities that place, fill, or erect a permanent structure in a navigable waterway; or remove water or material from a navigable waterway.</p> <p>Some beach nourishment activities are eligible for a general permit.</p>	<p>IC 14-29-1 312 IAC 6 Roster of Indiana Waterways Declared Navigable DNR APPLICATION ASSISTANCE MANUAL (1996)</p>	<p>(1) Whether the activity would unreasonably impair the navigability of the waterway; (2) cause significant harm to the environment; or, (3) pose an unreasonable hazard to life or property. In addition, impact of the activity on the "public trust doctrine," and the likely affect the activity will have on others must be considered.</p> <p>A navigable waterway permit is not required if a permit for the same project has been obtain under IC 14-21-1, IC 14-28-1, IC 14-29-3, IC 14-29-4, IC 14-34, or IC 14-37 and the requirements of the Navigable Waterways Act have been applied in the project review.</p>	<p>DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755</p>	<p>IC 14-29-1 312 IAC 6</p>
<p>SAND NOURISHMENT FUND: Authorization for appropriation and use of funding dedicated by the legislature to protect and increase sand along the Indiana Lake Michigan coast.</p>	<p>IC 14-25-12</p>	<p>Funding can be used for: (1) the deposit of sand along the coast of Lake Michigan in Indiana; (2) the design and establishment of systems that cause sand to be deposited along the coast of Lake Michigan in Indiana; and, (3) the prevention or reduction of the degradation of sand along the coast of Lake Michigan in Indiana. The Sand Nourishment</p>	<p>Local state legislator.</p>	<p>Not applicable.</p>

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
WATERCRAFT USE NEAR BATHING BEACHES: Watercraft are regulated for safety and natural resource protection.	IC 14-15-3-17 IC 14-8-2-202.5 IC 14-15-7-3 310 IAC 2.1-7-2 through 4 BOATING ON THE INDIANA WATERS OF LAKE MICHIGAN (1999)	Fund currently has no regular source of revenue. Slower speed limits are designated near shore. Also, swimming-only areas have been established by rule.	DNR, Division of Law Enforcement, District 10 100 W. Water St. Michigan City, IN 46360 (219) 879- 5710	IC 14-15
BATHING BEACH MONITORING: Local county health departments and the National Lakeshore collect and analyze water from bathing beaches weekly for <i>E. coli</i> and fecal coliform during the swimming season. Swimming in the water at bathing beaches can be restricted when water quality does not meet standards set by rule.	327 IAC 2-1.5-8(e) 17 TH EDITION OF STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATER Ambient Water Quality Criteria for Bacteria 1986 (EPA 440/5-84-002)	Full body contact may be restricted if water contains more than 235 <i>E. coli</i> per 100 milliliters of water.	Indiana State Department of Health 2 North Meridian St. Indianapolis, IN 46204 (317) 233-1325	Not applicable.
INDIANA RECREATIONAL TRAILS PROGRAM: Reimburses 80% of the cost of eligible projects to all units of government and not-for-profit organizations. Qualified projects include acquisition and development of multi-use recreational trail projects.	Recreational Trails Program Guidelines	Detailed criteria for the evaluation of a grant application are identified in the program guidelines.	DNR, Division of Outdoor Recreation 402 W. Washington St., Rm. W271 Indianapolis, IN 46204 (317) 232-4070	Not applicable.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
TRANSPORTATION ENHANCEMENT PROGRAM: Provides 80% matching assistance to enhance the transportation system and includes trail-related activities.	INDIANA TRANSPORTATION ENHANCEMENT PROGRAM: A GUIDE FOR CITIZENS AND LOCAL GOVERNMENTS (October 1998)	(1) The project must be a transportation project or facility. (2) The project must be adjacent to a site of an existing transportation project or facility. (3) The project must have a positive affect on other transportation systems or facilities	INDOT, Division of Planning and Programming 100 N. Senate Ave. N901 Indianapolis, IN 46204 (317) 232-5224	Not applicable.
HIKE AND BIKE TRAILS, OFF-ROAD VEHICLES TRAILS, AND SNOWMOBILE TRAILS: DNR is authorized to construct and maintain ORV and snowmobile trails on public and private land.	IC 14-16-1 IC 14-16-2 312 IAC 8-2-8 312 IAC 7-1 SCORP 2000	Off-road vehicles and snowmobiles must be registered with the DNR if operated on public land. Revenues generated from registration fees are used to construct and maintain ORV and snowmobile trails. A snowmobile trail is open only: (1) from December 1 through March 31; (2) if there are at least four inches of snow on the ground; and, (3) if the trail is generally covered with snow. The trails are posted as either open or closed at each trailhead.	DNR, Division of Outdoor Recreation 402 W. Washington St., Rm. W271 Indianapolis, IN 46204-2782 (317) 232-4070 DNR, Division of Law Enforcement, District 10 100 W. Water St. Michigan City, IN 46360 (219) 879-5710	IC 14-16-1 312 IAC 7-1
MARINA PUMPOUTS: Requires marinas to have an approved wastewater treatment facility or on-site disposal system. Prerequisite for construction permit programs when new marina construction is involved. See also the section titled Water Quality.	IC 14-15-2-7 410 IAC 6-10 327 IAC3-2 327 IAC5 312 IAC 6-2-6 312 IAC 6-4-3	A marina is defined by rule as a permanent structure that can service at least five boats at a time and provides, for a fee, engine fuel, docks, boat repair, or boat sales or rental. No new marina construction is	DNR, Division of Water 402 W. Washington St., Rm. W 264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-15 312 IAC 6

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		permitted by DNR unless the marina operator obtains a permit from IDEM for construction and operation of a wastewater treatment facility or an NPDES permit, or a permit from ISDH for construction of a commercial on-site wastewater disposal facility.		
CLEAN VESSEL ACT PUMPOUT PROGRAM: Administers funding available under the federal Clean Vessel Act to public and private marinas for the construction or renovation of boat sewage pumpout facilities. Rules prohibit boats with water closets or toilets, without proper holding tanks, on public waters.	16 USC 777	Indiana rules prohibit boats with water closets or toilets, without proper holding tanks, on public waters.	IDEM, Office of Water Management 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 233-6801 1-800-451-6027	Not applicable.
WATERCRAFT USE: Boating operations on Lake Michigan and navigable waters are governed by state and federal law.	IC 14-15 310 IAC 2.1 INDIANA BOATING LAWS (1998) BOATING ON THE INDIANA WATERS OF LAKE MICHIGAN (1999)	Regulated activities include speed limits, water skiing, equipment operation, sewage disposal, racing, safety, accidents, and abandoned watercraft.	DNR, Division of Law Enforcement, District 10 100 W. Water St. Michigan City, IN 46360 (219) 879-5710	IC 14-15 310 IAC 2.1
CHARTER BOAT OPERATIONS: Regulations are set forth to govern boats carrying passengers for a fee such as	IC 14-15-6 310 IAC 2.1-13	(1) The DNR must inspect and register the boat. (2) A certificate of inspection and	DNR, Division of Law Enforcement, District 10	IC 14-15 310 IAC 2.1-13

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
charter boat fishing operations.		registration issued by the DNR must be attached to the boat within the clear view of the passengers.	100 W. Water St. Michigan City, IN 46360 (219) 879-5710	
WATERCRAFT SAFETY AND EDUCATION: The DNR Division of Law Enforcement offers a boater education course several times throughout the year in various counties.	IC 14-15-7-1(2) INDIANA BOATING LAWS (1998) BOATING ON THE INDIANA WATERS OF LAKE MICHIGAN (1999)	Boaters ages 11 to adult are encouraged to take the boater education course.	DNR, Division of Law Enforcement 402 W. Washington St., Rm. 255D Indianapolis, IN 46204 (317) 232-4010	Not applicable.
WATERCRAFT OPERATION AUTHORIZATION: A license is required before a person can operate watercraft on public waters.	IC 14-15-11-9	A person cannot operate watercraft on public waters unless the person: (1) holds a valid driver's license; (2) is at least 21 years old and holds a valid identification card issued by the Bureau of Motor Vehicles before January 1, 1996; or, (3) is at least 15 years old, has been issued a valid identification card by the Bureau, and has successfully completed a boater education course approved by the DNR.	Bureau of Motor Vehicles 402 W. Washington St., Rm. W160 Indianapolis, IN 46204 (317) 233-6000 Local license branches.	IC 14-15-11-9
BOAT TITLING AND REGISTRATION: Every motorboat principally used on the waters of Indiana must be registered and numbered. A watercraft that is required to be registered in Indiana must have a certificate of title.	IC 9-31 IC 6-6-11	A motorboat does not have to be registered and numbered if any of the following conditions are met: (1) the motorboat is legally registered in another state and	Bureau of Motor Vehicles 402 W. Washington St., Rm. W160 Indianapolis, IN 46204 (317) 233-6000	Not applicable.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		<p>the motorboat has not been within Indiana for more than 60 consecutive days; (2) the motorboat is from another country temporarily using the waters of Indiana; (3) the motorboat is a ship's lifeboat; and, (4) the motorboat belongs to a class of boats that has been exempted from registration and numbering.</p> <p>Factors indicating that a motorboat will be operated on the waters of Indiana for more than 60 consecutive days and must be registered: (1) the rental or lease for more than 60 consecutive days of a mooring facility that is located on the waters of Indiana for the motorboat; (2) the purchase of a mooring facility that is located on the waters of Indiana for the motorboat; or, (3) any other contractual agreement that allows the use of a mooring facility that is located on the waters of Indiana.</p>	Local license branches.	
<p>Development of Public Hunting and Fishing Areas</p> <p>FISH AND WILDLIFE FUND: Accumulation of fines collected for</p>	IC 14-22-3	Money in the fund shall be used for the following purposes:	DNR, Division of Fish and Wildlife	Not applicable.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
violations of fish and wildlife laws. Funds are used to protect and propagate game, fish, and birds.		(1) protecting and propagating game, fish, and birds in Indiana; or, (2) paying the operational expenses of fish and wildlife division and the law enforcement division. Money in the fund that is attributable to money deposited under IC 33-19-7-5 shall be used to administer the Turn In a Poacher program established and the reward system established under the program.	402 W. Washington St., Rm. W 273 Indianapolis, IN 46204 (317) 232-4080	
LAND ACQUISITION: Land acquisition is authorized in several statutes pertaining to resources issues.	IC 14-17-3-1 IC 14-22-3 IC 14-22-34-14(a)	Funding may be used for sites to protect and propagate game or to acquire land or aquatic habitat for nongame species.	DNR, Division of Land Acquisition 402 W. Washington St., Rm. W 255A Indianapolis, IN 46204 (317) 232-4050	Not applicable.
FISH AND WILDLIFE ACCOUNT: An element of the Indiana Heritage Trust Program the Account includes proceeds from a voluntary fish and wildlife land acquisition fund to purchase property for fish and wildlife management.	IC 14-12-2-26	Money in this account may be used only to purchase property for fish or wildlife management purposes.	DNR, Division of Fish and Wildlife 402 W. Washington St., Rm. W 273 Indianapolis, IN 46204 (317) 232-4080	Not applicable.
Preservation of Archaeological and Historical Sites				
NATIONAL REGISTER OF HISTORIC PLACES: An identification of the nation's important historical properties. DNR Division of Historic Preservation and	IC 14-21-1-15 through 18.6 GUIDEBOOK FOR	Properties must meet one of the four criteria. (1) properties associated with events that were important within the broad	DNR, Division of Historic Preservation and Archaeology 402 W. Washington St.,	IC 14-21-1-15 through 18.6

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
<p>Archaeology accepts nominations for sites in Indiana to be included in the Register. Once a site is listed, it is protected from any disturbing activities unless the activities are approved by DNR.⁴</p> <p>The State Register of Historic Places also recognizes important properties in the history of Indiana. Once a site is listed, it is protected from any disturbing activities unless the activities are approved by DNR.</p>	<p>INDIANA HISTORIC SITES AND STRUCTURES INVENTORY: ARCHAEOLOGICAL SITES (1989)</p>	<p>patterns of American history can qualify; (2) properties associated with the lives of persons significant in our past can qualify; (3) buildings, structures or objects that possess architectural or engineering importance can qualify for listing; or, (4) resources that have, or may yield important information in prehistory or history are eligible.</p> <p>In addition, a property must also have integrity -a measure of authenticity based on the time period of the property's importance. Seven qualities are evaluated: location, design, setting, materials, workmanship, feeling, and association.</p> <p>Certain properties such as museum artifacts, cemeteries, birthplaces or graves of historical figures, religious properties, moved structures, reconstructions, or commemorative monuments, properties less than 50 years old are generally not eligible.</p>	<p>Rm. W 274 Indianapolis, IN 46204 (317) 232-1646</p>	

⁴ Criteria and listing procedures for the National Register of Historic Places can be found at <http://www.state.in.us/dnr/historic/>

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
ARTIFACTS OR BURIAL OBJECTS: A permit is required to disturb ground, or continue to disturb ground after accidental discovery, for removal of artifacts, burial objects, or human remains.	IC 14-21-1-24 through 29 310 IAC 19 310 IAC 20-2-3	<p>However, they may qualify if they are part of historic districts or meet one of the criteria exceptions.</p> <p>Before a permit is granted, a plan which includes information required under 310 IAC 20-3-2 through 310 IAC 20-3-8, must be submitted with the permit application. The following factors must be present before a permit can be issued: (1) the application is found to be complete, technically accurate, and feasible; (2) the applicant has demonstrated that the information derived will contribute to Indiana's history or archaeology; or understanding the physical or cultural nature of past human populations; (3) the requirements of 310 IAC 20-3-9 are satisfied; (4) the applicant will provide for the treatment of human remains according to Indiana rules; and, (5) the rights and interests of landowners are considered, including written documents demonstrating that (A) determination of the ownership of any human remains, burial object, or artifact which is recovered. (B) Consent of the landowner for</p>	DNR, Division of Historic Preservation 402 W. Washington St., Rm. W274 Indianapolis, IN 46204 (317) 232-1646	IC 14-21-1-24 through 29 310 IAC 19 310 IAC 20

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		access by the applicant to the site for the purpose of conducting any activities set forth in the permit, including the plan. (C) Consent of the landowner for access by the department to the site to determine compliance with the conditions of the permit. Exemptions include ordinary agricultural practices, the surface collection of artifacts, and cemetaries and human remains regulated under IC 23-14.		
SHIPWRECKS: A permit is required before a person removes or disturbs an abandoned shipwreck.	IC 14-21-1 312 IAC 6-3	An applicant must: (1) provide the location of the abandoned shipwreck; and, (2) identify how the applicant determined: (A) the abandoned ship is not located at a historic site; and, (B) that the proposed activity: does not otherwise violate IC 14-29-1-8; or is subject to the exclusive jurisdiction of a federal court or federal agency.	DNR, Division of Historic Preservation and Archaeology 402 W. Washington St., Rm. W 274 Indianapolis, IN 46204 (317) 232-1646	IC 14-21-1 312 IAC 6-3
INDIANA CULTURAL RESOURCES MANAGEMENT PLAN ⁵ : Includes strategies designed to improve and promote preservation and archaeology in Indiana.	IC 14-21-1-12(2)	The Division of Historic Preservation and Archaeology shall prepare a preservation plan for the state that establishes planning guidelines to encourage the continuous maintenance and	DNR, Division of Historic Preservation and Archaeology 402 W. Washington St., Rm. W 274 Indianapolis, IN 46204	IC 14-21-1

⁵ The plan can be viewed at <http://www.state.in.us/dnr/historic/>.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		integrity of historic sites and historic structures. The plan is not effective until the plan has been presented to the advisory council for review and comment and approved by the review board after public hearing.	(317) 232-1646	
INDIANA HISTORIC REHABILITATION TAX CREDIT ⁶ : Owners of qualified state register listed buildings can claim 20% of the costs of rehabilitation as a state income tax deduction.	IC 6-3.1-16 310 IAC 24-1	To qualify for the certifications required for the state historic rehabilitation tax credit, an applicant must demonstrate to the division each of the following: (1) the historic property is listed on the register; (2) the historic structure which is the subject of rehabilitation contains at least 2,000 gross square feet on the ground floor; (3) the historic structure is at least 50 years old; (4) the activity sustains vegetative cover of the property in a way which preserves its significance to the property. Preservation of a vegetative cover that does not contribute to the significance of the property cannot be included in the qualified expenditure calculation; and, (5) Preservation or rehabilitation is performed in accordance with a plan approved by the division by rule.	DNR, Division of Historic Preservation and Archaeology 402 W. Washington St., Rm. W 274 Indianapolis, IN 46204 (317) 232-1646	Not applicable.

⁶ Additional information regarding this program and the federal tax credit program can be accessed at <http://www.state.in.us/dnr/historic/gen-info.htm>.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
INDIANA HISTORIC SITES AND STRUCTURES INVENTORY: DNR identifies and records all potentially important historic buildings, bridges, sites, and other items on inventory forms and enters them in computer databases. Results are published in Interim Report books.	GUIDEBOOK FOR INDIANA HISTORIC SITES AND STRUCTURES INVENTORY: ARCHAEOLOGICAL SITES (1989)	Detailed criteria for the inclusion of the sites and structures are included in the Guidebook.	DNR, Division of Historic Preservation and Archaeology 402 W. Washington St., Rm. W 274 Indianapolis, IN 46204 (317) 232-1646	Not applicable.
SECTION 106 REVIEW: State review of federally funded or permitted projects to protect historic sites.	IC 14-21-1-18 INDIANA HISTORIC SITES AND STRUCTURES SURVEY MANUAL	Federally funded programs or construction projects which might affect National Register listed or other eligible items in Indiana must be reviewed by the Division of Historic Preservation and Archaeology. State agencies are mandated to seek approval from the division for projects which might affect state-owned historic properties.	DNR, Division of Historic Preservation and Archaeology 402 W. Washington St., Rm. W 274 Indianapolis, IN 46204 (317) 232-1646	Not applicable.
HOMETOWN INDIANA GRANT PROGRAM: Division of Historic Preservation and Archaeology is one of three DNR divisions that administer this grant. Recreation purposes eligible for the grant program include acquisition, development, or renovation of a community park or recreation area.	IC 14-12-3 312 IAC 26-4 Hometown Indiana Grant Distributions Nonrule Policy ⁷	(1) The applicant must be a municipal corporation or a corporation that has no affiliation with religion. (2) The property must be listed in the Indiana State Register of Historic Sites and Structures. (3) The project must meet the professional standards in architecture, history, and archaeology by rule. (4) The project must provide for the acquisition, protection,	DNR, Division of Historic Preservation and Archaeology 402 W. Washington St., Rm. W 274 Indianapolis, IN 46204 (317) 232-1646	Not applicable.

⁷ *Hometown Indiana Grants Program General Distributions*, Information Bulletin #18, Natural Resources Commission, 21 IND. REG. 226 (March 1, 1998).

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		<p>stabilization, preservation, rehabilitation, restoration, or archaeological investigation of the property. (5) The applicant must demonstrate that there are adequate provisions, including sufficient identified sources of funds, to ensure that the property will be adequately operated and maintained.</p> <p>(6) A portion of the facilities on the property to be maintained must be open to the public or maintained for public benefit. (7) The property must be owned or controlled by the applicant upon performance of the project.</p>		

Matrix 5-7: Cross-reference of Economic Development Laws and Guidance Documents

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
Ports and Adjacent Development, Maintenance, and Expansion				
DREDGING: Dredging activities are regulated by the ACOE under the Clean Water Act and the Rivers and Harbor Act. In addition, harbor dredging potentially requires an IDEM Section 401 Water Quality certification or a DNR construction in a floodway or navigable waters permit. Disposal of dredged material may also require permits from DNR and IDEM.	IC 14-28-1-22 IC 14-29-1-8	See standards and criteria for construction in a floodway permit and Section 401 water quality certification program in the table titled Cross-reference for Water Quantity Laws and Guidance Documents.	IDEM, Office of Water Management 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 233-8488 1-800-451-6027 DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-28-1 IC 14-29-1 310 IAC 6-1 312 IAC 6 401 water quality certification
EXTRACTION OF SAND AND GRAVEL FROM A NAVIGABLE WATERWAY: This activity is separately addressed under the Navigable Waterways Act and requires a permit to undertake this activity. In addition, a royalty fee may be assessed for materials dredged from Lake Michigan. A waiver of the fee is possible if suitable dredged materials are used as beach nourishment along the lakeshore.	IC 14-29-3 312 IAC 6-5-8(b)	(1) Whether or not the project will impede navigation; (2) whether or not the project will damage or endanger a bridge, highway, railroad, public work, utility, or the property of a riparian owner or adjoining proprietor or adjacent permittee; and, (3) whether or not the project will endanger human lives.	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-29-3 312 IAC 6-5-8(b)

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		A project subject to permit under this statute does not require a separate permit under the Navigable Waterways Act (IC 14-29-1) provided the Navigable Waterways Act evaluation criteria are applied as well.		
LAKE MICHIGAN FILLS AND LAND PATENTS: The owner of real property, or the owner of an easement for public park purposes through real property, that borders Lake Michigan may seek a permit from the DNR to fill an adjacent portion of the Lake.	IC 14-18-6	Hazardous waste cannot be disposed on an area for which a fill permit is approved. After grant of the permit and the approval of a survey and plat by the county surveyor, and the payment of \$100 per acre, a person may obtain a land patent for the filled area. ¹ This statutory authority does not, however, exempt an applicant from obtaining other needed approvals for filling navigable waters, waters of the United States, or waters of the State.	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755	IC 14-18-6
Siting and Developing Energy Facilities				
POWERPLANT CONSTRUCTION: Construction of a powerplant requires a certificate of necessity.	IC 8-1-8.5 170 IAC 4-7 170 IAC 4-8	Before construction begins, certification from the IURC must be obtained which provides that energy facility siting laws in Indiana have been met and the analysis of the need for electricity has been determined.	Indiana Utility Regulatory Commission, Division of Pipeline Safety 302 W. Washington St., Ste. 306 Indianapolis, IN 46204	IC 8-1-8.5 170 IAC 4

¹ IC 14-18-6.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
ENERGY FACILITY DISCHARGES: Water quality standards apply to energy facility discharges.	IC 13-18-4-4 IC 13-18-4-5 IC 13-18-5-1 IC 13-18-5-2(3)	All energy facilities and the construction of new energy facilities must adhere to Indiana water quality standards.	(317) 232-2701	IC 13-18
ANALYSIS OF LONG-RANGE ELECTRICITY NEEDS: Documentation of estimated needs for electricity due to growth. In addition the report includes information on the potential location of new generating facilities to meet demand, as well as arrangements for pooling of power among various utilities to achieve maximum efficiency of energy. A forecasting group develops and maintains methodologies to estimate future growth of the use of electricity in the State.	IC 8-1-8.5-3 IC 8-1-8.5-3.5 170 IAC 4-7	The IURC shall develop, publicize, and keep current an analysis of the long-range needs for expansion of facilities for the generation of electricity. The analysis must include an estimate of: (1) the probable future growth of the use of electricity; (2) the probable needed generating reserves; (3) the optimal extent, size, mix, and general location of generating plants; (4) the optimal arrangements for statewide or regional pooling of power and arrangements with other utilities and energy suppliers to achieve maximum efficiencies for the benefit of the people of Indiana; and, (5) the comparative costs of meeting future growth by other means of electric service. In making the analysis and developing the plan the IURC shall conduct public hearings and submit to the governor the analysis and plan.	Indiana Utility Regulatory Commission 302 W. Washington St., Ste. 306 Indianapolis, IN 46204 (317) 232-2701	Not applicable.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
Storing and Transporting Energy Resources				
PIPELINE SAFETY: The Pipeline Safety Division of the IURC is charged with the regulation of the transportation of gas and of related pipeline facilities and operations to promote the public safety.	IC 8-1-22.5 170 IAC 5-3	Safety standards for the transportation of gas and related pipeline facilities address design, installation, inspection, testing, construction, extension, operation, and maintenance. Annual certification for compliance with federal safety standards is required from the IURC for owners, operators, or leasees of pipeline facilities.	Indiana Utility Regulatory Commission, Division of Pipeline Safety 302 W. Washington St., Ste. 306 Indianapolis, IN 46204 (317) 232-2701	IC 8-1-22.5 170 IAC 5-3
PIPELINE CONSTRUCTION: Pipelines that cross a floodway or navigable water may require a permit from the DNR. Petroleum tanks and connecting pipelines are regulated as underground storage tanks.	IC 14-28-1 IC 14-29-1 310 IAC 6-1-6 through 310 IAC 6-1-19 312 IAC 6 IC 13-23 IC 13-11 329 IAC 9	See criteria for navigable waterway permits in section titled coastal hazards, cross-reference of coastal hazards laws and guidance documents. See criteria for underground storage tanks in section titled pollution prevention, recycling, reuse, and waste management, cross-reference of pollution prevention, recycling, reuse, and waste management laws and guidance documents.	DNR, Division of Water 402 W. Washington St., Rm. W264 Indianapolis, IN 46204 (317) 232-4160 1-877-928-3755 IDEM, Office of Environmental Response PO Box 6015 Indianapolis, IN 46206 (317) 308-3080 1-800-451-6027	IC 14-28-1 IC 14-29-1 310 IAC 6-1-6 through 310 IAC 6-1-19 312 IAC 6 IC 13-23 IC 13-11 329 IAC 9
TRANSPORTATION OF GAS: A certificate of necessity is required from IURC before a person can transport gas for sale or delivery.	IC 8-1-2-87.5	A certificate is provided if (1) the applicant has the power and authority to obtain the certificate and render requested services; (2) the applicant has the	Indiana Utility Regulatory Commission 302 W. Washington St., Ste. 306	IC 8-1-2-87.5

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		financial ability to provide the services; (3) public convenience and necessity require the providing of the service; and, (4) public interest will be served by the issuance of the necessity certification.	Indianapolis, IN 46204 (317) 232-2701	
Planning, Constructing, and Maintaining Transportation Facilities MOTOR VEHICLE HIGHWAY ACCOUNT: Provides fair distribution of funding among state and local governments for roadway maintenance.	IC 8-14-1	The money remaining after refunds, payment of expenses, appropriations to the INDOT for traffic safety, and the state police department, is allocated to cities, towns, and counties for construction, reconstruction, and maintenance of streets and alleys. Money in the fund may not be used for any toll road or toll bridge projects.	INDOT 100 N. Senate St., N901 Indianapolis, IN 46204 (317) 232-5533	Not applicable.
LOCAL ROAD AND STREET ACCOUNT: Established account which receives 45% of revenue generated from gasoline and special fuel taxes. Funds are allocated to cities, town, and counties.	IC 8-14-2	Funding may be used for (1) engineering, land acquisition, construction, resurfacing, maintenance, restoration, or rehabilitation of local and arterial street systems; (2) payment of principal and interest on bonds to finance road projects; (3) local costs required to undertake recreational or reservoir road projects; and, (4) purchase of rental or repair of highway equipment.	INDOT 100 N. Senate St., N901 Indianapolis, IN 46204 (317) 232-5533	Not applicable.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
TRANSPORTATION ENHANCEMENT PROGRAM: Provides up to 80% matching reimbursing assistance to enhance the transportation system.	INDIANA TRANSPORTATION ENHANCEMENT PROGRAM: A GUIDE FOR CITIZENS AND LOCAL GOVERNMENTS (October 1998)	(1) The project must be a transportation project or facility. (2) The project must be adjacent to a site of an existing transportation project or facility. (3) The project must have a positive affect on other transportation systems or facilities	INDOT, Division of Planning and Programming 100 N. Senate Ave. N901 Indianapolis, IN 46204 (317) 232-5224	Not applicable.
PUBLIC MASS TRANSPORTATION FUND: Promotes and develops public transportation in Indiana.	IC 8-23-2-8 Public Mass Transportation Fund Program Management Plan	The PMTF can be used to match federal funds available under the Federal Transit Act, as amended, or local funds from and eligible grantee that provides public transportation in Indiana. Only applications for capital and operating assistance may be approved. (2) The INDOT shall approve the formula for allocating funds. (3) The INDOT must forward approval for review by the State Budget Committee. The State Budget Committee forwards its review to the State Budget Agency and the Governor's office for final approval.	INDOT, Public Transit Section 100 N. Senate Ave. N901 Indianapolis, IN 46204 (317) 232-1495	Not applicable.
RAIL ABANDONMENT: A railroad company must provide notice to INDOT of its intention to abandon any rights-of-way.	IC 8-3-1-21.1	INDOT communicates the notice of intent to: (1) county executives, county surveyors, and cities and towns affected; (2) the Department	INDOT, Intermodal Division, Railroad Section 100 N. Senate St., N901	IC 8-3-1-21.1

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		of Commerce; and, (3) the DNR. Within 90 days after receiving notice from INDOT, DNR "shall make a study of the feasibility of converting the right-of-way for recreational purposes." If DNR finds conversion to recreational purposes is feasible, DNR "shall urge the appropriate state and local authorities to acquire the right-of-way for recreational purposes."	Indianapolis, IN 46204 (317) 232-1474	
INDUSTRIAL RAIL SERVICE FUND: Makes loans available for acquisition of rail rights-of-way or track rehabilitation. Makes grants available for railroad relocation and planning activities.	IC 8-3-1.7	The INDOT considers (1) The importance of the railroad transportation services that the loan would affect, in the broad perspective of Indiana's overall transportation network. (2) The impact of a decision to not provide a loan on economic activity and employment in Indiana. (3) The long term viability of the proposed project.	INDOT, Intermodal Division, Railroad Section 100 N. Senate St., N901 Indianapolis, IN 46204 (317) 232-1491	Not applicable.
GRADE CROSSING IMPROVEMENT FUND: Grant program to assist with match required for federal money directed to grade crossing improvements and improvements in safety of passive grade crossings.	IC 8-6-7.7-6.1	May be used by the DOT: (1) to carry out duties of DOT in IC 8-6-7.7, and (2) for passive railroad crossing safety improvements.	INDOT, Intermodal Division, Railroad Section 100 N. Senate St., N901 Indianapolis, IN 46204 (317) 232-4786	Not applicable.
TALL STRUCTURES: The location and height of structures and the use of land near public-use airports is regulated by	IC 8-21-10	Before issuing a permit for a structure or type of land use, INDOT considers if the	INDOT 100 N. Senate St., N901	IC 8-21-10

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
INDOT.		proposed structure erected in the proposed location would have a substantial adverse effect upon the safe and efficient use of the navigable airspace and or whether the structure would be a hazard to air navigation if constructed.	Indianapolis, IN 46204 (317) 232-5533	
Brownfield Redevelopment and Associated Remediation VOLUNTARY REMEDIATION PROGRAM: Provides for voluntary cleanup of contaminated property. When the cleanup is successfully completed, IDEM will issue a Certificate of Completion. The Governor's Office will issue a Covenant Not to Sue. These documents provide assurance that the cleaned areas will not become the subject of future IDEM enforcement action. Any site owner or operator, or prospective owner who wishes to clean up property contaminated with petroleum or hazardous substances is potentially eligible to participate in VRP.	IC 13-25-5 VOLUNTARY REMEDIATION PROGRAM RESOURCE GUIDE (October 1995).	For an application to the program to be eligible, the following conditions must be met: (1) be on a form provided by the department; (2) contain general information concerning the person, the site, and other background information as requested by the department; (3) include an environmental assessment of the actual or threatened release of the hazardous substance or petroleum at the site; and, (4) be accompanied by an application fee of \$1,000. A political subdivision is not required to submit an application fee.	IDEM, Office of Environmental Response 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 308-3363 1-800-451-6027	IC 13-25-5
VOLUNTARY REMEDIATION FUND: Established to provide a source of funding to IDEM to implement the voluntary remediation program.	IC 13-25-5-21		IDEM, Office of Environmental Response 100 N. Senate Ave. PO Box 6015	Not applicable.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
BROWNFIELD REDEVELOPMENT: Through this program IDEM helps communities promote the reuse of existing properties, recognize and cleanup brownfields, and revitalize economically depressed areas.	IC 6-1.1-42 IC 13-19-5 IC 13-25-3 IC 13-30-9 IC 13-11-2-19.3	A brownfields site is an industrial or commercial property that is abandoned, inactive, or underutilized, on which expansion or redevelopment is complicated due to the actual or perceived environmental contamination.	Indianapolis, IN 46206 (317) 308-3363 1-800-451-6027 IDEM, Office of Environmental Response 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 308-3131 1-800-451-6027	Not applicable.
ENVIRONMENTAL REMEDIATION REVOLVING LOAN FUND: Financial assistance available to political subdivisions for identification, assessment, remediation, demolition, and other costs related to brownfield redevelopment. ²	IC 13-19-5-1	The Finance Authority has developed a priority ranking system for making loans and providing other financial assistance based on the following: (1) socioeconomic distress in an area, as determined by the poverty level and unemployment rate in the area; (2) a technical evaluation by the department under IC 13-19-5-1(A)-(B); (3) the number and quality of jobs that would be generated by a project; (4) housing, recreational, and educational needs of communities; and, (5) any other factors the authority determines will assist in the implementation of this fund.	Indiana Development Finance Authority One North Capitol Ste. 320 Indianapolis, IN 46204-2226 (317) 233-4332	Not applicable.

² Additional information regarding this program can be found at <http://www.state.in.us/dfa/programs/brp.html>.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
<p>FEDERAL BROWNFIELDS TAX INCENTIVE: Allows a taxpayer to deduct cleanup expenses in the year incurred. IDEM must certify the site is a "qualified contaminated site" to be eligible.</p>	<p>Federal Brownfields Tax Incentive Qualified Contaminated Site Statement Policy³ (October 1998)</p>	<p>IDEM must determine: (1) the site is within a targeted area, and (2) there has been a release (or threat of release) or disposal of any hazardous substance at the site.</p> <p>Sites listed on the National Priorities List are not eligible for deduction.</p> <p>Targeted Areas: (1) census tracts with poverty rates of 20% or more; (2) census tracts with populations of less than 2,000 where more than 75% of the tract is zoned for commercial or industrial use, and the tracts are adjacent on one or more census tract(s) with poverty rates of 20% or more; (3) federally designated Empowerment Zones (EZ) and Enterprise Communities (EC); or, (4) EPA designated Brownfields Pilot sites announced before February 1, 1997.</p>	<p>IDEM, Office of Environmental Response 2525 N. Shadeland Ave. PO Box 6015 Indianapolis, IN 46206 (317) 308-3126 1-800-451-6027</p>	<p>Not applicable.</p>
<p>BROWNFIELDS CLEANUP REVOLVING LOAN FUND: Provides public and private</p>	<p>IC 13-19-5-1</p>	<p>Applicants must show evidence of their intent to involve local</p>	<p>IDEM, Office of Environmental</p>	<p>Not applicable.</p>

³ The nonrule policy document *Federal Brownfields Tax Incentive Qualified Contaminated Site Statement Policy*, OER-0009-NPD, Indiana Department of Environmental Management, 22 IND. REG. 843 (December 1, 1998) can be read at <http://www.state.in.us/idem/ola/brownfields/>.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
entities with small amount of funding to clean up brownfields. ⁴ Administered by IDEM using the same structure as the Environmental Remediation Loan Fund.		residents and community organizations in the cleanup process, and describe how cleanup efforts will create and sustain jobs.	Response 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 308-3126 1-800-451-6027	
INDIANA BROWNFIELDS PROGRAM: IDEM administers the Brownfield Program to assist potential purchasers of brownfield properties.		The Program works with the Voluntary Remediation Program to provide Covenant Not to Sue and Certificate of Completion. In addition, the Program offers workshops, environmental assessments, and organizes the Interagency Brownfields Task Force.	IDEM, Office of Environmental Response 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 308-3131 1-800-451-6027	Not applicable.
Economic Development and Tourism				
ECONOMIC DEVELOPMENT FUND: The fund is a revolving fund for the purpose of providing grants and loans for economic development activities in Indiana.	IC 4-4-7	Funding may be used for public works, technical assistance, economic adjustment assistance, and other economic development programs. If a qualified entity proposes to use the funding for a loan program, the application from the qualified entity must contain the conditions under which loans will be made and the interest rate that will be charged.	IDOC, Business Development One North Capitol Ste. 700 Indianapolis, IN 46204 (317) 232-8888	Not applicable.

⁴ Further explanation of the Brownfields Cleanup Revolving Loan Fund is accessible at <http://www.state.in.us/idem/olq/brownfields/>

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
INDUSTRIAL DEVELOPMENT PROGRAM AND FUND: The State Board of Finance and the IDOC jointly administer the industrial development fund from which loans may be made to qualified entities, small business investment companies, and a state corporation.	IC 4-4-8	<p>(1) An application is submitted to the State Board of Finance and the IDOC stating the need for the project and cost estimate; (2) the project is based upon sound engineering principles and is in the interest of industrial development; (3) the loan does not exceed 100% of the cost to the qualified entity of any approved project; and, (4) the qualified entity has agreed to furnish assurance that it will operate and maintain the program, after completion, in a satisfactory manner.</p> <p>The State Board of Finance and the IDOC will loan to any small business investment company or the state corporation under this chapter only if: (1) the small business investment company, minority enterprise small business investment company, or the state corporation has loaned to or invested in a business located in an enterprise zone for a purpose directly related to the enterprise zone an amount that is at least twice the amount of the requested loan; and (2) the small business investment company or</p>	IDOC, Business Development One North Capitol Ste. 700 Indianapolis, IN 46204 (317) 232-8888	Not applicable.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		state corporation has submitted an application, before the beginning of the phase out period of the enterprise zone, that shows the amount of the loan requested.		
INDUSTRIAL DEVELOPMENT GRANT FUND:	IC 4-4-12		IDOC, Business Development One North Capitol Ste. 700 Indianapolis, IN 46204 (317) 232-8888	Not applicable.
RURAL DEVELOPMENT PROGRAM AND FUNDING: Funding to aid the growth of rural areas.	IC 4-4-9	A county, city, or town can receive a grant from the fund in an amount equal to the amount that the county, city, or town contributes to a project for the construction of a sewer system, sewer system extension, water distribution system, or water distribution system extension if: (1) the county has imposed a county adjusted gross income tax under IC 6-3.5-1.1, a county option income tax under IC 6-3.5-6, or a county economic development income tax under IC 6-3.5-7; (2) the county, city, or town establishes an interest bearing account known as the sewer system or water distribution system development account; (3) money in the sewer	IDOC One North Capitol Ste. 700 Indianapolis, IN 46204 (317) 232-8800	Not applicable.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		<p>system or water distribution system development account may be used only to pay for a project for the construction of a sewer system, sewer system extension, water distribution system, or water distribution system extension; (4) the amount of the county, city, or town contribution is deposited in the sewer system or water distribution system development account; (5) the project will result in sanitary sewer service or water service being available to an area that did not previously have the service; and, (6) an existing public sanitary sewer service or water service is available within a one mile radius from the proposed project, and the provider of that service has agreed to allow the project to be connected to and become part of the existing public service.</p>		
<p>STEEL INDUSTRY ADVISORY COMMISSION: A 13-member board chaired by the Lt. Governor which is charged with examining: (1) existing Indiana and federal statutes, rules, and regulations that either encourage or discourage production and consumption of Indiana steel; (2) the</p>	<p>IC 4-4-16.5</p>	<p>The commission shall prepare an annual report to the legislative council and a summary letter to the General Assembly through the legislative council no later than December 1 each year. The report must address the following issues: (1) Ways in</p>	<p>IDOC, Business Development One North Capitol Ste. 700 Indianapolis, IN 46204 (317) 232-8888</p>	<p>Not applicable.</p>

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
<p>problems currently faced by the Indiana steel industry, including foreign competition and the economic climate for the steel industry in Indiana; and (3) any other matters considered relevant to the future of the steel industry in Indiana.</p>		<p>which the utilization of Indiana steel can be expanded within Indiana and the world. (2) Ways in which any additional problems included in the examination conducted by the commission may be remedied. (3) Recommend modification, if any, of state statutes or rules.</p>		
<p>PERMIT ASSISTANCE CENTER: The State Information Center maintains an information file on all state agency permit requirements that affect Indiana businesses. Materials are developed to help applicants understand permit requirements. The Center also advises applicants on the requirements of federal and local permit requirements.</p>	IC 4-4-17	<p>Duties of the Center include: (1) providing comprehensive information on permits required for business activities in Indiana, and making this information available to any person; (2) working with other offices within the department in assisting applicants in obtaining timely and efficient permit review and the resolution of issues arising from permit review; and, (3) encouraging the participation of federal and local government agencies in permit coordination.</p>	<p>State Information Center 402 W. Washington St., Rm. W160A Indianapolis, IN 46204 (317) 233-0800 1-800-45-STATE</p>	Not applicable.
<p>TOURISM INFORMATION AND PROMOTION FUND: Financial assistance available to tourism groups for the promotion of tourist resources and facilities in the State. Each grant must be matched by funds provided by the applicant, and the IDOC may not provide more than one-half the funds for a</p>	IC 4-4-3.5	<p>Consideration is given to the general merits, potential effectiveness, and total cost of the activity.</p>	<p>IDOC, Tourism One North Capitol Ste. 700 Indianapolis, IN 46204 (317) 232-8860</p>	Not applicable.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
project. The matching funds required by the applicant may be provided by any source except other state funds.				

Matrix 5-8: Cross-reference of Pollution Prevention, Recycling, Reuse, and Waste Management Laws and Guidance Documents

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
Storage, Handling, Disposal, and Transportation of Solid and Hazardous Wastes				
SOLID WASTE MANAGEMENT: The OLQ in IDEM administers the permitting, approval, and registration programs for solid waste disposal and processing facilities. It also provides technical support and review for compliance monitoring and enforcement, and aids in developing solid waste policy and rules. ¹	IC 13-20-1 IC 13-20-2 IC 13-20-8 323 IAC 1 329 IAC 10 329 IAC 11 Guidance Interpreting Indiana Municipal Solid Waste Landfill Operational Regulations Nonrule Policy ² Guidance Interpreting the \$0.50 per Ton Solid Waste Management Fee Nonrule Policy ³	Before a person constructs or operators a solid waste landfill or incinerator, a permit must be obtained from the IDEM. A landfill permit must include: (1) A description of the area that would be served by the solid waste management facility. (2) A description of existing solid waste management facilities in the area that would be served by the solid waste management facility. (3) A description of the need that would be fulfilled by constructing the solid waste management facility. Permits for an incinerator will be granted after the applicant has:	IDEM, Office of Land Quality 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 232-8871 1-800-451-6027	IC 13-20 323 IAC 1 329 IAC 10 329 IAC 11

¹ Information obtained from the IDEM OLQ web site at http://www.state.in.us/idem/olq/special_topics/solid.html.

² *Guidance Interpreting Indiana Municipal Solid Waste Landfill Operational Regulations*, WASTE-0001-NPD, Indiana Department of Environmental Management, 20 IND. REG. 1250 (February 1, 1997). The nonrule policy document can be accessed at <http://www.state.in.us/idem/olq/publications/guidance/index.html>.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
	Post-Closure Uses of Solid Waste Disposal Facilities Nonrule Policy ⁴	granted after the applicant has: (1) complied with all construction and pre-operational standards established by pertinent rules; and, (2) submitted the results of a pre-operational emissions test that demonstrate that the incinerator's performance complies with all pertinent rules. Detailed permit criteria are included in rules and guidance documents.		
HAZARDOUS WASTE MANAGEMENT: The IDEM OLCQ is responsible for issues related to hazardous waste permits, closures, post-closures, remediations, and transport of wastes. The hazardous waste section provides technical expertise, regulatory interpretation, policy formulation, and guidance to regulated facilities, government officials, and the public. ⁵	IC 13-22 329 IAC 3.1 329 IAC 10 Hazardous Waste Contingency Plans Nonrule Policy ⁶ Hazardous Waste Personnel Training	A permit is required for construction and operation of all hazardous waste facilities. A permit application must include a closure plan. A hazardous waste permit will not be issued for construction of facilities to incinerate PCBs or chemical munitions. A generator who generates at	IDEM, Office of Land Quality 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 232-4462 1-800-451-6027	IC 13-22 329 IAC 3.1 329 IAC 10

³ *Guidance Interpreting When the \$0.50/Ton Solid Waste Management Fee Should Be Assessed as it Relates to Waste as an Alternate Material at MSWLFs, WASTE -0002-NPD*, Indiana Department of Environmental Management, 20 IND. REG. 1267 (February 1, 1997). The nonrule policy document can be accessed at <http://www.state.in.us/idem/olq/publications/guidance/index.html>.

⁴ *Post-Closure Uses of Solid Waste Disposal Facilities*, WASTE-0026-NPD, Indiana Department of Environmental Management, 21 IND. REG. 3197 (May 1, 1998). The nonrule policy document can be accessed at <http://www.state.in.us/idem/olq/publications/guidance/index.html>.

⁵ Information obtained from the IDEM OLCQ web site at <http://www.state.in.us/idem/olq/index.html>.

⁶ *Hazardous Waste Contingency Plan*, WASTE-0017-NPD, Indiana Department of Environmental Management, 21 IND. REG. 1926 (February 1, 1998). The nonrule policy document can be viewed at <http://www.state.in.us/idem/olq/publications/guidance/index.html>.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
SPECIAL WASTE MANAGEMENT: The IDEM OLQ monitors compliance with rules for non-residential, non-hazardous	Nonrule Policy ⁷ Hazardous Waste Management Unit Closure Plan Guidance Nonrule Policy ⁸ RCRA Closure and Corrective Action ⁹ Rejected Load Manifest Signatures, Rejected Load Manifest Distribution & Rejected Mixed Load Procedures ¹⁰ Staging Policy for Permitted Hazardous Waste Management Facilities ¹¹	least 100 kg of hazardous waste in a month must prepare and submit to IDEM a manifest recording waste produced and transported.		
	IC 13-20-7 329 IAC 10-8	A certification is required before a special waste is disposed. A waste is certified as a special	IDEM, Office of Solid 100 N. Senate Ave. PO Box 6015	IC 13-20-7 329 IAC 10-8

⁷ Hazardous Waste Personnel Training, WASTE-0018-NPD, Indiana Department of Environmental Management, 21 Ind. Reg. 1927 (February 1, 1998).
The nonrule policy document can be viewed at <http://www.state.in.us/idem/olq/publications/guidance/index.html>.

⁸ Hazardous Waste Management Unit Closure Guidance, WASTE-0013-NPD, Indiana Department of Environmental Management, 20 IND. REG. 3537 (September 1, 1997).
The nonrule policy document can be viewed at <http://www.state.in.us/idem/olq/publications/guidance/index.html>.

⁹ RCRA Closure and Corrective Action, WASTE-0015-NPD, Indiana Department of Environmental Management, 21 IND. REG. 274 (October 1, 1997). The nonrule policy document can be viewed at <http://www.state.in.us/idem/olq/publications/guidance/index.html>.

¹⁰ Rejected Load Manifest Signatures, Rejected Load Manifest Distribution, and Rejected Mixed Load Procedures, WASTE-0012-NPD, Indiana Department of Environmental Management, 20 IND. REG. 3242 (August 1, 1997). The nonrule policy document can be viewed at <http://www.state.in.us/idem/olq/publications/guidance/index.html>.
¹¹ Staging Policy for Permitted Hazardous Waste Management Facilities, WASTE-011-NPD, Indiana Department of Environmental Management, 20 IND. REG. 3241 (August 1, 1997). The nonrule policy document can be viewed at <http://www.state.in.us/idem/olq/publications/guidance/index.html>.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
waste by conducting industrial and landfill inspections, issuing special waste certifications, and providing technical assistance. ¹²	Construction/Demolition Guidance on what the special waste exclusion includes ¹³	waste if the required information submitted by the generator indicates that: (1) it meets the definition under 329 IAC 10-2-179; (2) the physical, chemical, and variability characteristics of the waste are satisfactorily established; and, (3) disposal of the waste will not significantly impact the environment or adversely affect routine solid waste disposal operations. The IDEM may impose conditions, such as the method of handling, transportation, or disposal that is necessary to minimize the health, safety, nuisance, or environmental impact of the waste.	Indianapolis, IN 46206 (317) 233-3346 1-800-451-6027	
LAND APPLICATION PERMIT PROGRAM: IDEM OLOQ reviews permit applications for land application.	327 IAC 6.1	A land application permit is required for the disposal of any biosolid, industrial waste, or polluted water by application or incorporation into the soil.	IDEM, Office of Land Quality 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 232-8871 1-800-451-6027	327 IAC 6.1
WASTE TIRE MANAGEMENT: A waste tire storage site or processing operation requires a certificate of registration from the IDEM.	IC 13-20-13 IC 13-20-14	An individual who stores waste tires must do so in a manner that "does not pose a threat to human health or the environment, does	IDEM, Office of Land Quality 100 N. Senate Ave. PO Box 6015	IC 13-20-13 IC 13-20-14

¹² Information obtained from the IDEM OLOQ web site at <http://www.state.in.us/idem/olq/index.html>.

¹³ This guidance can be read at <http://www.state.in.us/idem/olq/publications/guidance/index.html>.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		not pose a fire hazard, and controls vectors that pose a threat to human health.” Operators of storage or processing facilities must report annually to the IDEM regarding the number of tires accepted or transferred. In addition a contingency plan must be maintained to protect health and the environment. Tires are not to be disposed of in a solid waste landfill	Indianapolis, IN 46206 (317) 232-8871 1-800-451-6027	
SOLID WASTE MANAGEMENT DISTRICTS: Each coastal county operates a solid waste management district.	IC 13-21-3	Counties are required to establish solid waste management districts by county ordinance.	Lake County SWMD 1473 E. 84 th Pl. Merrillville, IN 46410 (219) 769-3820 Porter County SWD 155 Indiana Ave. Valparaiso, IN 46383 (219) 465-3694 LaPorte County SWMD 2354 N. US HWY 35 LaPorte, IN 46350 (219) 326-0014	Not applicable.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
State Framework for Cleanup of Unregulated Hazardous Waste Disposal Sites				
SUPERFUND PROGRAM: IDEM works cooperatively with US EPA as the lead or support agency to remediate hazardous waste sites listed on the National Priorities List through the application of Federal or State authorities. Perform long-term operation and maintenance of remedies.	IC 13-25-4	Cleanup standards include Excess Cancer Risk no greater than 1×10^{-4} to 1×10^{-6} . Hazard Index (non-cancer risk) no greater than 1.	IDEM, Office of Environmental Response 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 308-3113 1-800-451-6027	IC 13-25
STATE CLEANUP PROGRAM: Conducts the investigation and cleanup of priority sites contaminated with hazardous substances or petroleum not listed on the national priority list.	IC 13-24-1 IC 13-25-4 329 IAC 7-1	Sites are evaluated and ranked for cleanup according to the Indiana Scoring Model established by rule.	IDEM, Office of Environmental Response 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 308-3090 1-800-451-6027	IC 13-24-1 IC 13-25-4
HAZARDOUS SUBSTANCES RESPONSE TRUST FUND: Money is available through the fund to cleanup sites contaminated with hazardous substances and establish liability for potentially responsible parties (PRPs). In addition the statute authorizes IDEM to recover its costs associated with the cleanups from the fund.	IC 13-25-4-1	Funding can be used to: (1) enter contracts between Indiana and the US government; (2) provide state assistance to prevent the release of hazardous substances or remove hazardous substances already released; (3) pay expenses related to releases other than petroleum from underground storage tanks; (4) pay administrative and personnel	IDEM, Office of Environmental Response 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 308-3090 1-800-451-6027	Not applicable.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		costs of the state for responding to releases of hazardous substances; (5) pay eligible reimbursements; and, (6) provide grants for household hazardous waste and disposal projects under IC 13-20-20.		
EMERGENCY RESPONSE: IDEM provides assistance in emergency situations caused by a discharge or threat of discharge of any contaminate into the air, land, or waters of Indiana if the situation will cause significant danger to public health or the environment.	IC 13-14-10-3 IC 13-25-2-6 IC 13-25-4-1 327 IAC 2-6.1 327 IAC 2-10 329 IAC 3-18 329 IAC 3-49-7 329 IAC 9-4-4	IDEM may order and provide assistance to abate or remedy an emergency, on private or public property, caused by the discharge or impending discharge of any contaminant into or on the air, land, or waters of Indiana that poses an imminent and substantial danger to public health or the environment whenever: (1) the assistance must be immediate to be efficacious; and, (2) any person responsible for abatement or remedying the emergency cannot be determined or located; or has refused or failed to take prompt and effective action to abate or remedy the emergency.	IDEM, Office of Environmental Response 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 308-3024 1-800-451-6027	Not applicable.
DEFENSE ENVIRONMENTAL RESTORATION PROGRAM: Investigation and cleanup of active and closing military bases at which hazardous substances were used, stored, or	IC 13-23 IC 13-25 329 IAC 9	Standards applicable to underground storage tanks are also applicable to the Defense Environmental Restoration Program where underground	IDEM, Office of Environmental Response 100 N. Senate Ave. PO Box 6015	IC 13-23 IC 13-25 329 IAC 9

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
disposed.		storage tanks are involved.	Indianapolis, IN 46206 (317) 308-3130 1-800-451-6027	
NATURAL RESOURCE DAMAGE ASSESSMENT: Natural resource damage assessment is a process by which designated Trustees examine injuries to natural resources in an area caused by the release of hazardous substances or oil. Natural resource damages include damages to land, fish, wildlife, air, water, groundwater, drinking water supplies, and other natural resources.	42 USC 9601, et seq. 33 USC 2701, et seq. 33 USC 1251, et seq. Public Trust Doctrine	Under the authority of CERCLA and the Clean Water Act, the Department of the Interior has issued regulations for conducting damage assessments following the discharge of oil or the release of hazardous substances.	IDEM 100 N. Senate Ave. P.O. Box 6015 Indianapolis, IN 46206 (317) 308-3003 1-800-451-6027 DNR 402 W. Washington St. Rm. W256 Indianapolis, IN 46204 (317) 232-4020	Not applicable.
VOLUNTARY REMEDIATION PROGRAM: Provides for voluntary cleanup of contaminated property. When the cleanup is successfully completed, IDEM will issue a Certificate of Completion. The Governor's Office will issue a Covenant Not to Sue. These documents provide assurance that the cleaned areas will not become the subject of future IDEM enforcement action. Any site owner or operator, or prospective owner who wishes to clean up property contaminated with petroleum or hazardous substances is potentially eligible to participate in VRP.	IC 13-25-5 VOLUNTARY REMEDIATION PROGRAM RESOURCE GUIDE (October 1995).	For an application to the program to be eligible, the following conditions must be met: (1) be on a form provided by the department; (2) contain general information concerning the person, the site, and other background information as requested by the department; (3) include an environmental assessment of the actual or threatened release of the hazardous substance or petroleum at the site; and, (4) be accompanied by an application fee \$1,000. A political subdivision is not required to	IDEM, Office of Environmental Response 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 308-3363 1-800-451-6027	IC 13-25-5

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		submit an application fee.		
Underground Storage Tanks				
UNDERGROUND STORAGE TANK PROGRAM: Ensures regulated underground storage tanks meet the EPA's requirements for leak detection, spill, and overflow prevention and corrosion protection, and ensures that tanks not meeting those requirements are properly closed or upgraded. The program also provides education and assistance to underground storage tank owners and operators to encourage and promote voluntary compliance. ¹⁴	IC 13-11 IC 13-23 329 IAC 9 UST Notification, Reporting, and Closure Requirements ¹⁵ UST GUIDANCE MANUAL (October 1994)	In order to prevent releases due to structural failure, corrosion, or spills and overfills all owners and operators of new UST systems must meet the following requirements: (1) All tanks and piping must be properly installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory set forth in 40 CFR 280.20 and in accordance with the manufacturer's instructions. (2) All owners and operators must demonstrate compliance by providing a certification of compliance on the underground storage tank notification form required by rule. The certification must demonstrate that the installer has been certified by the fire marshal. Any release or suspected release must	IDEM, Office of Environmental Response 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 308-3080 1-800-451-6027	IC 13-11 IC 13-23 329 IAC 9

¹⁴ More information about the Underground Storage Tank Program can be accessed at <http://www.state.in.us/idem/olq/programs/lust/index.html>.

¹⁵ These guidelines prepared by IDEM can be read at <http://www.state.in.us/idem/olq/programs/lust/index.html>.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
LEAKING UNDERGROUND STORAGE TANK PROGRAM: Provides for investigation, assessment, and remediation at any site where emergency conditions are present and sites with prioritized human health and environmental risks. The program also educates and assists tank owners and operators and their consultants in order to encourage and promote voluntary clean up of tank system releases. ¹⁶	IC 13-11 IC 13-23 310 IAC 16 329 IAC 9	be reported to IDEM within 24 hours. Upon confirmation of a release or after a release from the UST system is identified in any other manner, owners and operators must perform the following initial response actions within 24 hours of a release or within a reasonable time period specified by the agency: (1) report the release to the agency; (2) take immediate action to prevent any further release of the regulated substance into the environment; and, (3) identify and mitigate fire, explosion, and vapor hazards.	IDEM, Office of Environmental Response 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 308-3080 1-800-451-6027	IC 13-11 IC 13-23 310 IAC 16 329 IAC 9
UNDERGROUND PETROLEUM STORAGE TANK EXCESS LIABILITY TRUST FUND: Assists owners and operators of underground petroleum storage tanks to establish evidence of financial responsibility and remediation through financial reimbursement.	IC 13-23-7-1 IC 13-23-11 328 IAC	Funding may be used to: (1) assist owners and operators of underground petroleum storage tanks to establish evidence of financial responsibility; (2) provide a source of money to satisfy liabilities incurred by owners and operators of underground petroleum storage tanks for corrective action; (3) provide a source of money for a loan guaranty; (4) provide a source of money for the	IDEM, Office of Environmental Response 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 308-3080 1-800-451-6027	Not applicable.

¹⁶ More information about the Leaking Underground Storage Tank Program can be accessed at <http://www.state.in.us/idem/olq/programs/lust/index.html>.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		indemnification of third parties; and, (5) provide a source of money to pay for the expenses of the IDEM incurred in paying and administering claims against the trust fund.		
UNDERGROUND PETROLEUM STORAGE TANK TRUST FUND: Accumulation of funds including revenue from the underground petroleum storage tank registration fee and costs recovered from corrective actions.	IC 13-23-6	Funds may be used to reimburse IDEM costs of corrective action and enforcement.	IDEM, Office of Environmental Response 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 308-3363 1-800-451-6027	Not applicable.
Pollution Prevention, Recycling, and Reuse of Materials				
TOXIC RELEASE INVENTORY: Qualified facilities are required to report releases and transfers of toxic chemicals to IDEM annually. Information is stored in a database and used to measure progress of pollution prevention. Facilities are also required to report similar information to EPA.	IC 13-22-11 IC 13-25-2 Rules?	Industries required to report: (1) are a manufacturing facility in Standard Industrial Codes (SIC) 20 -39; (2) have the equivalent of 10 full-time employees; (3) handle chemicals on the TRI list of 650 specific toxic chemicals or chemical categories; and, (4) manufacture or process more than 25,000 lbs. of the chemical or use more than 10,000 lbs. during the year.	IDEM, Office of Pollution Prevention and Technical Assistance 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 233-5433	Not applicable.
POLLUTION PREVENTION TRAINING AND RESEARCH: Education on pollution prevention as well as research of	IC 13-27-2-12 IC 13-27.5-1	The Institute may: (1) conduct research studies and programs; (2) collect and analyze data; and,	Indiana Clean Manufacturing Technology and Safe	Not applicable.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
prevention methods and methods to measure progress of prevention. ¹⁷		(3) prepare reports, charts, and tables.	Materials Institute 2655 Yeager Rd., Ste. 103 West Lafayette, IN 47906 (765) 463-4749	
RECYCLING PROMOTION AND ASSISTANCE FUND ¹⁸ : Provides loans to businesses that operate in Indiana to enhance the development of markets for recyclable materials. The loans are available for the acquisition and installation of specialized manufacturing equipment and machinery or the conversion of existing equipment and machinery for the manufacturing of products that contain recycled materials or for the final processing of secondary materials. Available funding is the lesser of \$500,000 or 50% of the total eligible project costs.	IC 4-23-5.5-14	(1) Private-sector investment must be made. (2) Terms can be up to 10 years or the life of the asset, whichever is less. (3) % INTEREST RATE is at or below prime. (4) At least a 10% equity investment is required.	Indiana Department of Commerce, Energy Policy Division One North Capitol Ste. 700 Indianapolis, IN 46204 (317) 232-8940	Not applicable.
ALTERNATE ENERGY SYSTEMS PROGRAM ¹⁹ : Offers grants to businesses to fund eligible alternative-fuel technologies and infrastructure development.	IC 4-4-3-8(a)	Eligible technologies include but are not limited to alternative fuels, landfill methane outreach, agricultural applications, geothermal heat pumps, wood waste boilers and solar repair and service.	Indiana Department of Commerce, Energy Policy Division One North Capitol Ste. 700 Indianapolis, IN 46204 (317) 232-8940	Not applicable.

¹⁷ Additional information about the Safe Materials Institute can be found at <http://www.ecn.purdue.edu/cmti.html>.

¹⁸ More information about the Recycling Promotion and Assistance Fund can be found at <http://www.state.in.us/doc/energy/recycling.html>.

¹⁹ More information on Indiana Department of Commerce grant programs for energy efficiency and recycling can be obtained from <http://www.state.in.us/doc/energy/index.html>.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
INDUSTRIAL ENERGY EFFICIENCY FUND: Loans for improving energy efficiency in industrial processes.	IC 4-23-5.5-15(a)	Maximum of seven years or the life of the asset, whichever is less. Interest rate is 0%. Repayment terms may be tied to projected energy-cost saving.	Indiana Department of Commerce, Energy Policy Division One North Capitol Ste. 700 Indianapolis, IN 46204 (317) 232-8940	Not applicable.
NATIONAL INDUSTRIAL COMPETITIVENESS THROUGH ENERGY, ENVIRONMENT AND ECONOMICS GRANT: Federal grants, with possible state matching funds, to improve energy efficiency, promote a cleaner production process and improve the competitiveness of industry.	IC 4-4-3-8(a)	The maximum amount of federal grant available per applicant is \$400,000. State funds can be leveraged with this program; and all state funding requests are considered. A 55% match is required.	Indiana Department of Commerce, Energy Policy Division One North Capitol Ste. 700 Indianapolis, IN 46204 (317) 232-8940	Not applicable.
TIRE RECYCLING MARKET DEVELOPMENT PROGRAM: Grants to businesses involved in the production of a product that uses scrap tires as a feedstock	IC 4-4-3-8(a)	Recycled Tire Product Marketing grants up to \$20,000. Recycled Tire Product Procurement grants up to \$40,000. At least 50% match is required.	Indiana Department of Commerce, Energy Policy Division One North Capitol Ste. 700 Indianapolis, IN 46204 (317) 232-8940	Not applicable.
JUMPSTART GRANTS PROGRAM ²⁰ : Provides financial assistance to Solid Waste Management Districts for basic education and promotion projects.	IC 13-27-2-10	Project categories include: Business Source Reduction/Recycling Public Education/Promotion Household Hazardous Waste Education/Promotion School Education and Teacher Training	IDEM, Office of Pollution Prevention and Technical Assistance 150 W. Market St., Suite 703, PO Box 6015 Indianapolis, Indiana	Not applicable.

²⁰ More information regarding IDEM recycling grants can be obtained from <http://www.state.in.us/idem/oppta/>.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		Buy Recycled	46206-6015 (317) 232-8172	
MODEL GRANTS PROGRAM: Financial assistance for Solid Waste Management Districts, municipalities, non-profit groups colleges, universities, K-12 schools, and Indiana Businesses.	IC 13-27-2-10	Eligible projects include those that address significant solid waste management needs which have not been met in the region and would serve as models in other parts of the state.	IDEM, Office of Pollution Prevention and Technical Assistance 150 W. Market St., Suite 703, PO Box 6015 Indianapolis, Indiana 46206-6015 (317) 232-8172	Not applicable.
TRADITIONAL GRANTS PROGRAM: Financial assistance for Solid Waste Management Districts, municipalities, non-profit groups, colleges, universities, and K-12 schools.	IC 13-27-2-10		IDEM, Office of Pollution Prevention and Technical Assistance 150 W. Market St., Suite 703, PO Box 6015 Indianapolis, Indiana 46206-6015 (317) 232-8172	Not applicable.
HOUSEHOLD HAZARDOUS WASTE GRANTS PROGRAM: Financial assistance for Solid Waste Management Districts and municipalities for household hazardous waste reduction, collection, and proper disposal programs.	329 IAC 8-6-1	The IDEM considers the following: (1) a formal commitment to an annual household hazardous waste collection and disposal program; (2) an effective education program directed to the proper handling, storage, disposal, and reduction of household hazardous wastes; (3) participation in other hazardous	IDEM, Office of Pollution Prevention and Technical Assistance 150 W. Market St. Ste. 703 PO Box 6015 Indianapolis, IN 46206 (317) 232-8172	Not applicable.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		<p>waste collection and disposal programs; and, (4) information provided on an education project concerning nonhazardous and nontoxic substitutes for household hazardous products. Priority will be given to applications including education programs.</p> <p>The grant awarded may not exceed 50% of the total eligible costs estimated in a grant application. The grant must be matched by an applicant's financial or in kind contributions.</p>		
<p>POLLUTION PREVENTION TECHNICAL ASSISTANCE: Assistance is provided in public education, school curriculums, full cost accounting, volume-based disposal rates, source reduction, buy recycled, reuse suggestions, yard waste management, material markets, collection and processing issues, materials exchange, construction and demolition, business waste reduction, and business source reduction.</p> <p>INDIANA MATERIALS EXCHANGE²¹: Facilitates recycling and reuse of industrial and commercial waste by</p>	IC 13-14-1		<p>IDEM, Office of Pollution Prevention and Technical Assistance 150 W. Market St. Set. 703 PO Box 6015 Indianapolis, IN 46206 (317) 232-8172</p>	Not applicable.
		Listings are maintained for a wide variety of materials organized into 17 individual	Indiana Materials Exchange 133 W. Market St.	Not applicable.

²¹ To view the Indiana Material Exchange listings or post an item on a list, see <http://www.state.in.us/idem/oppta/imex/>

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
maintaining and distributing listings of materials available and materials wanted. The service is provided by Waste Alternatives Inc. and is funded by the IDEM. The listing service is provided free of charge to users.		categories.	Box 263 Indianapolis, IN 46204 1-800-968-8764	
COMPLIANCE AND TECHNICAL ASSISTANCE PROGRAM (CTAP) ²² : Assists regulated entities achieve compliance and promotes cooperation between IDEM and regulated entities. CTAP is comprised of several offices within IDEM but is primarily administered through the Office of Pollution Prevention and Technical Assistance (OPPTA).	IC 13-14-1	CTAP focuses on early education and outreach efforts to businesses and small communities to make them aware of new and existing regulations. CTAP provides compliance assistance as well as pollution prevention opportunities to get small businesses out of the regulatory loop or into less burdensome regulatory processes.	IDEM, Office of Pollution Prevention and Technical Assistance 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 232-8172 IDEM, Northwest Office Compliance and Technical Assistance 504 N. Broadway Ste. 418 Gary, IN 4640-1942 (219) 881-6720	Not applicable.
INDIANA DRY CLEANER COMPLIANCE ASSURANCE PROGRAM (IDCAP): Focuses on the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Perchloroethylene Dry Cleaners.		This regulation imposes new record keeping, reporting and emission control requirements on all of Indiana's perchloroethylene drycleaning facilities. IDEM provides	IDEM, Office of Pollution Prevention and Technical Assistance 100 N. Senate Ave. PO Box 6015	Not applicable.

²² The Compliance and Technical Assistance Program information was obtained from <http://www.state.in.us/idem/oppta/index.html>.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		technical assistance to these businesses to meet requirements. ²³	Indianapolis, IN 46204 (317) 232-8172	
INDIANA 5 STAR RECOGNITION PROGRAM: Voluntary program that recognizes dry cleaners taking steps to protect the environment beyond what is required. Participants are ranked on a scale of one to five stars for such things as minimizing use of solvents and managing waste responsibly. Cleaners must apply to IDEM and reapply every two years. ²⁴		One Star: Reduce use of solvent. Respond in a timely manner to questions and complaints about solvent. Use a hazardous waste hauler for hazardous waste even if exempt. Two Stars: Recycle hangers and bags from customers. Provide brochure on waste management. Conduct annual employee hazardous communication training. Three Stars: Use recycled bags. Attend annual IDEM training. Report solvent mileage. Four Stars: Consistently achieves 450 solvent mileage and posts this information in the store. Five Stars: One person achieves Certified Environmental Drycleaner. Demonstrate environmental leadership.	IDEM, Office of Pollution Prevention and Technical Assistance 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46204 (317) 232-8172	Not applicable.
POLLUTION PREVENTION POTW GRANT PROGRAM: Noncompetitive grants of \$5,000 are available to Indiana communities with approved pretreatment	IC 13-27-2-10	Only projects that support and sustain clean manufacturing by working with manufacturers (indirect dischargers) are	IDEM, Office of Pollution Prevention and Technical Assistance	Not applicable.

²³ Additional information about this program is available at <http://www.state.in.us/idem/ctap/>

²⁴ More information about the Drycleaners Recognition Program can be found at <http://www.state.in.us/idem/oppta/govawards/index.html>.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
programs. Provides an incentive to POTWs with approved pretreatment programs to prepare pollution prevention opportunity assessments for 25 percent of their significant industrial users before 2001.		eligible.	150 West Market St. Ste. 703 Indianapolis, IN 46206 (317) 233-6661	

Matrix 5-9: Cross-reference of Air Quality Laws and Guidance Documents

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
CONSTRUCTION PERMIT: Applies to any person currently operating, proposing to operate, or modifying a source or facility that would increase air emissions.	IC 13-17-7 IC 13-17-8 IC 13-30-2-1(7) 326 IAC 2-1-3 326 IAC 2-1-5 Office of Air Management Construction Permit Application Guidance ¹ Indiana Chamber of Commerce Air Permitting Guide (1998)	The construction, operation, or maintenance of a source or facility must not: (1) interfere with attainment or maintenance of any ambient air quality standard set forth in 326 IAC 1-3; or, (2) interfere with attainment or maintenance of either the prevention of significant deterioration standards under 326 IAC 2-2 or the prevention of significant deterioration standards established by any adjoining state. Emission limitations may be established as conditions of construction permits.	IDEM, Office of Air Management 100 N. Senate Ave. Indianapolis, IN 46205 (317) 233-0185 (219) 881-6737	IC 13-17-7 IC 13-17-8 IC 13-30-2-1(7) 326 IAC 2-1-3 326 IAC 2-1-5
OPERATING PERMIT: Applies to sources operating facilities in Indiana that generate air emissions that have received a construction permit.	IC 13-17-7 IC 13-17-8 IC 13-30-2-1(7) 326 IAC 2-1-4 326 IAC 2-1-5	Emission limitations may be established as conditions of operating permits for any source or facility for the purpose of ensuring that the ambient air quality standards, and the prevention of significant deterioration standards are	IDEM, Office of Air Management 100 N. Senate Ave. Indianapolis, IN 46205 (317) 233-0185 (219) 881-6737	IC 13-17-7 IC 13-17-8 IC 13-30-2-1(7) 326 IAC 2-1-4 326 IAC 2-1-5

¹

The Construction Permit Application Guidance can be accessed on the IDEM Office of Air Management web site at <http://www.state.in.us/idem/oam/index.html>.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		attained and maintained and for insuring that the public health is protected.		
TITLE V OPERATING PERMITS: Applies to stationary or portable sources meeting emission benchmarks for criteria pollutants or hazardous air pollutants.			IDEM, Office of Air Management 100 N. Senate Ave. Indianapolis, IN 46205 (317) 233-0185 (219) 881-6737	
OPEN BURNING: Burning of materials so that smoke is emitted directly to the air, without passing through a stack or chimney is opening burning.	IC 13-17-9 326 IAC 4-1	Open burning is prohibited except as authorized by statute and rules adopted by the Air Pollution Control Board.	IDEM, Office of Air Management 100 N. Senate Ave. Indianapolis, IN 46205 (317) 233-0185 (219) 881-6737	IC 13-17-9 326 IAC 4-1
VEHICLE EMISSIONS TESTING PROGRAM: Vehicles in designated counties must have their emissions checked	IC 13-17-5 326 IAC 13	Emissions testing must be conducted in: (1) a county having a population of more than 64,000 but less than 65,000; and, (2) a county having a population of more than 85,000 but less than 88,000. Federal entities are exempted.	IDEM, Office of Air Management 100 N. Senate Ave. Indianapolis, IN 46205 (317) 233-0185 (219) 881-6737	Not applicable.
GASOLINE PUMP VAPOR CAPTURE: The Clean Air Act requires use of Stage II vapor recovery in areas designated as severe non-attainment of the one-hour ozone standard.	326 IAC 2-11-2	Requires the installation of vapor recovery devices on gasoline pumps at service stations.	IDEM, Office of Air Management 100 N. Senate Ave. Indianapolis, IN 46205 (317) 233-0185 (219) 881-6737	326 IAC 2-11-2
AIR TOXICS PROGRAM: Develops inventories of hazardous air pollutants, incorporates state and federal rules			IDEM, Office of Air Management 100 N. Senate Ave.	Not applicable.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
concerning hazardous air pollutants, and designs creative programs to educate businesses and the general public about hazardous air pollutants. Also oversees the NESHAPs.			Indianapolis, IN 46205 (317) 308-3238	
AIR TOXICS MONITORING PROGRAM: Implements monitoring requirements under Titles I and III of the Clean Air Act for ozone precursors and activities related to hazardous air pollutant sources. In addition, special purpose monitoring is conducted.			IDEM, Office of Air Management 100 N. Senate Ave. Indianapolis, IN 46205 (317) 308-3238	Not applicable.
PARTNERS FOR CLEAN AIR: Voluntary coalition of businesses, industries, municipalities, and organizations committed to reducing ozone levels in the Northwest Indiana and Chicago region.			IDEM, Office of Air Management 100 N. Senate Ave. Indianapolis, IN 46205 (317) 233-6870 1-800-451-6027	Not applicable.
SMOG WATCH: Provides real-time ozone levels in Northwest Indiana via the Internet. ²		Forecasts and health information are updated by 2:00 pm daily.	IDEM, Office of Air Management 100 N. Senate Ave. Indianapolis, IN 46205 (317) 233-2318 1-800-631-2871	Not applicable.
NORTHWEST INDIANA ACTION PLAN ³ : As part of EPA's Geographic Initiative started in 1992, EPA and IDEM seek environmental restoration of the region and elimination of serious environmental			IDEM 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46206 (317) 232-8755	Not applicable.

² Smog Watch can be accessed at <http://www.state.in.us/idem/aom/smog/index.htm>.

³ More information about the Northwest Indiana Geographic Initiative and a copy of the Northwest Indiana Action Plan can be found at <http://www.epa.gov/reg5ogis/nwi/actplan.htm>.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
stresses now threatening Lake Michigan. Several strategies will be pursued under the Action Plan, including improving the area's air quality.				

Matrix 5-10: Cross-reference of Property Rights Laws and Guidance Documents

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
Just Compensation Legislation				
PROPERTY TAKEN FOR A PUBLIC USE: Compensation is provided to commercial and industrial uses, as well as residential and agricultural uses.	IC 32-11-1 IC 32-11-1.5 IC 32-11-2 IC 32-11-3 Unger V. Indiana & Michigan Elec. Co Bray v. Tardy.	Specific procedures, outlined by statute, govern takings by towns, cities, the state, and public utilities.	Office of Attorney General State House, Rm. 219 Indianapolis, IN 46204 (317) 232-6201	Not applicable.
Relocation Assistance				
RELOCATION: A person displaced by a public project can receive compensation.	IC 8-23-17-13	A person is eligible for compensation if the person moves from real property or moves personal property from real property: (1) because of the acquisition of the real property and the improvements located on the real property; (2) because of the partial acquisition of real property to the extent that continued use by the owner or occupant is rendered impossible or impracticable; (3) as a result of a written order of the	INDOT 100 N. Senate St., N901 Indianapolis, IN 46204 (317) 232-5533	Not applicable.

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		acquiring agency to vacate the real property intended to be acquired by the agency; or, (4) as a result of an order issued by an agency engaged in code enforcement activities to vacate the real property.		
Takings Analysis for New Rules				
TAKINGS ANALYSIS: Before a rule becomes law, the Attorney General reviews the law for legality.	1993 P.L. 12 IC 4-22-2-32	The Attorney General shall consider whether the rule may constitute a taking of property without compensation to the owner. If the Attorney General determines the rule constitutes a taking of property, the Attorney General is required to advise the Governor and the agency proposing the rule.	Office of Attorney General State House, Rm. 219 Indianapolis, IN 46204 (317) 232-6201	Not applicable.
Trespass				
TRESPASS: Entering upon the property of another without consent can be classified as civil or criminal.	IC 33-14-1-4 IC 35-43-2-2 Evans v. State	Criminal trespass is committed when a person: (1) knowingly enters another's property after having been denied permission to enter; (2) refuses to leave the property of another after having been asked to leave; (3) accompanies another person in a vehicle knowing the other person is operating the vehicle without authorization; (4) interferes with	Local law enforcement official.	IC 33-14-1-4 IC 35-43-2-2

Program and Activities	Laws and Guidance Documents	Standards or Criteria	Contact	Applicable to Federal Consistency
		the use of another person's property; and, (5) enters another person's dwelling without consent.		
Litter and Trash				
LITTERING: Littering is a violation of state law.	IC 34-14-1-4 IC 35-45-3-2	A person who recklessly, knowingly, or intentionally leaves refuse on property of another commits littering.	Local law enforcement official.	IC 34-14-1-4 IC 35-45-3-2
OPEN DUMPING: Garbage and other waste material is to be disposed in proper containers or a sanitary landfill.	IC 13-30-2-1 IC 13-30-3-13	Violations include: (1) depositing contaminants or solid waste on the land; and, (2) disposing solid waste in or adjacent to a public highway, state park, state nature preserve, or recreation area next to a lake or stream.	IDEM, Office of Solid and Hazardous Waste 100 N. Senate Ave. PO Box 6015 Indianapolis, IN 46204 (317) 232-8871 1-800-451-6027	IC 13-30-2-1 IC 13-30-3-13
WASTE DISPOSAL: DNR regulates the disposal of waste near a lake or within a floodway.	IC 14-28-1-27 IC 14-28-1-36	Disposing of contaminants, garbage, or solid waste within 15 feet of a lake or in a floodway is prohibited.	DNR, Division of Law Enforcement, District 10; 100 W. Water St. Michigan City, IN 46360 (219) 879- 5710	IC 14-28-1-27 IC 14-28-1-36